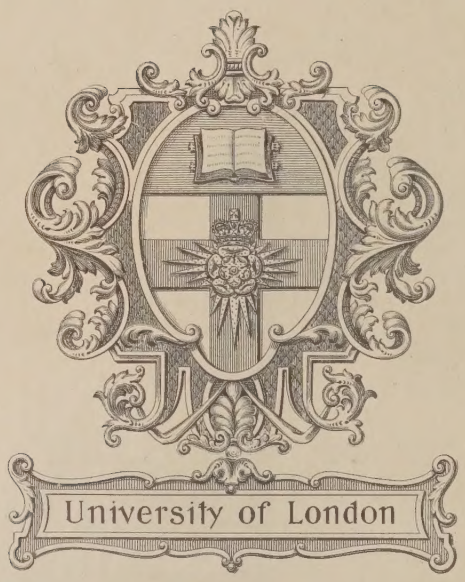
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B I L L S,

PUBLIC:

FOUR VOLUMES.

—(1.)—

ABSCONDING DEBTORS

TO

EXTRADITION.

Session

8 *February*——10 *August* 1870.

VOL. I.

1870.

BILLS:

1870.

FOUR VOLUMES:—CONTENTS OF THE

FIRST VOLUME.

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A

B I L L

TO

Facilitate the Arrest of Absconding Debtors.

A.D. 1870.

WHEREAS the laws now in force for the arrest of debtors absconding from England are insufficient for that purpose:

And whereas frauds may be perpetrated upon creditors by insolvent debtors departing for distant countries before the necessary proceedings can be taken to make them bankrupt:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Authority to Chief Judge in Bankruptcy, and Judges of County Courts having jurisdiction in bankruptcy, to grant warrants for the arrest of absconding debtors against whom debtor's summons has been granted under the provisions of Bankruptcy Act, 1869.

1. That from and after *the passing of this Act*, it shall be lawful for the Chief Judge of the Court of Bankruptcy, or the Judge of any County Court having jurisdiction in bankruptcy, on application by or on behalf of any creditor or creditors who shall have taken out a debtor's summons under the provisions of the Bankruptcy Act, 1869, upon due proof by affidavit, intituled in the Bankruptcy Court, of the creditor applying, or of some other person, or by solemn affirmation in cases in which solemn affirmation is allowed by law, to the satisfaction of such chief judge or judge, that there is probable cause for believing that the debtor or debtors against whom such debtor's summons shall have been granted, unless he or they be forthwith apprehended, is or are about to quit England, with intent to defeat or delay the recovery of the debt or debts due to such creditor or creditors, to grant a warrant, such warrant being in the form and endorsed in the manner specified in the Schedule (A.) to this Act annexed or to the like effect, to the messenger of the said Court of Bankruptcy or to the high bailiff of the said county court, whereby the said messenger or high bailiff shall have authority at any time within seven days after the date of the said warrant, including the day of such date, to arrest the person and persons named in such warrant, and him

A.D. 1870.

or them safely keep, until he or they shall have given bail to such messenger or high bailiff, or made deposit with him according to the practice observed in the superior courts of law, that he or they will not depart from England without leave of the court, or until he or they shall have paid the debt and costs endorsed on the said warrant, or be otherwise discharged from arrest under such warrant by due course of law; and that such warrant shall bear date the day of the issuing thereof, and may be executed in any part of England, and on a Sunday, and that a copy of such warrant or warrants, together with a copy of the debtor's summons granted against such debtor or debtors, shall at the time of the arrest be served on the person or persons arrested.

Before whom affidavits to be sworn.

2. The affidavit or affirmation required by this Act may be sworn or made before such chief judge or judge, or before any person having authority to administer oaths, in any of the superior courts of law at Westminster.

Time and place of arrest of debtor to be endorsed upon warrant, and upon production, sheriff to receive and deliver such debtor.

3. The person to whom the warrant hereby authorized to be issued shall be directed shall, immediately on the same being executed, endorse a certificate thereupon of the time and place where the debtor was arrested; and the production of such warrant and certificate to the sheriff of the county where such warrant shall have been issued, or to the keeper of the gaol of such county, shall be a sufficient authority to such sheriff or keeper to detain such debtor or debtors until he or they shall be discharged by due course of law.

Persons arrested entitled to discharge in certain cases.

4. It shall be lawful for any person or persons arrested upon any such warrant forthwith to pay the debt and costs which shall be endorsed on such warrant to the said messenger or high bailiff as aforesaid, or to enter into a bail bond to such messenger or high bailiff, with two sufficient sureties for the amount, which shall be endorsed on such warrant, conditioned that he or they will not go out of England without leave of the court, or make deposit of the sum, endorsed on such warrant, together with ten pounds for costs; and thereupon he or they shall be entitled to be discharged from custody, and such messenger or high bailiff is hereby authorized to discharge such person or persons accordingly.

Endorsements on warrant.

5. Such warrant shall be endorsed with the amount of debt and costs claimed by the creditor or creditors; and on payment of the amount so endorsed all proceedings shall be stayed, and the person or persons so arrested be discharged from custody, and he or they shall be at liberty afterwards to tax the costs so endorsed.

A.D. 1870.

Persons arrested may apply to the chief judge or judge for their discharge.

6. It shall be lawful for any person or persons for whose arrest a warrant shall have been granted to make application, either before or after arrest shall have been made by virtue of the said warrant, to the chief judge or judge for a summons or rule calling upon the creditor or creditors who shall have obtained such warrant to show cause why such warrant should not be set aside and vacated if such application shall be made before arrest, or why the debtor or debtors should not be discharged out of custody if the application should be made after arrest; and it shall be lawful for such chief judge or judge to make absolute or discharge such summons or rule, and direct the costs of the application to be paid by either party, or to make such other order therein as to such chief judge or judge shall seem fit.

Officer responsible for the due execution of warrant.

7. The officer to whom such warrant shall be directed or addressed as aforesaid shall be subject to the jurisdiction of the court in which the debtor summons shall have been granted, and shall be responsible to such court, and to the person or persons at whose suit such warrant was issued, for the due execution of the said warrant, in the same manner exactly as sheriffs are now responsible for the due execution of all writs of capias directed or addressed to them, and shall be entitled to the same protection as sheriffs now are entitled to on executing such writs.

Fees to be taken in respect of warrant to be issued.

8. The fees mentioned in Schedule (B.) to this Act annexed shall be paid to the parties in the said schedule named, and no other fees shall be allowed or taken in respect of the warrant to be issued by virtue of this Act; and the said fees shall be deemed subject to be regulated, varied, increased, or lessened by the Lord Chancellor, with the consent of the Commissioners of Her Majesty's Treasury; and a table of such fees as are hereby receivable by any officer of the Bankruptcy Court, or the County Court, shall be put up in some conspicuous place in the Bankruptcy Court and County Court respectively.

Short title of Act.

9. In citing this Act in other Acts of Parliament, or in any instrument, document, or proceeding, it shall be sufficient to use the expression "The Absconding Debtors Act, 1870."

A.D. 1870.

SCHEDULE (A.)

The Absconding Debtors Act, 1870.

Whereas *A.B.* (the creditor) hath this day proved upon oath (or solemn affirmation, *as the case may be*) to my satisfaction that *C.D.* (the debtor) is indebted to the said *A.B.* in the sum of £ , and that there is probable cause for believing that the said *C.D.*, unless he be forthwith apprehended, is about to quit England with such intent as is mentioned in the Absconding Debtors Act, 1870: These are to desire and authorize you, that you take the said *C.D.* wheresoever he may be found, and him safely keep until he shall have given you bail, or made deposit with you according to law, that he will not depart from England without leave of the court by whom this warrant was granted. I do further command you to whom this warrant is directed, that on execution hereof you do deliver a copy hereof to the said *C.D.*, together with a copy of the debtor summons taken out by the said *A.B.* against the said *C.D.* And I do further command you to whom this warrant is directed, that immediately after the execution hereof you do certify, by endorsement hereon, the time and place when and where you shall have executed the same.

Dated the day of A.D.

This warrant is to be executed within seven days from the date hereof, including the day of such date, and not afterwards.

Endorsement.

This warrant was issued by of attorney for the within-named

A Warning to the Defendant.

You may be discharged from custody forthwith, on depositing in the hands of the officer to whom this warrant is directed the sum of £ and ten pounds for costs, or on payment to such officer of the debt and costs endorsed on this warrant, or on entering into a bail bond to such officer, with two sufficient sureties, for the amount endorsed on this warrant, conditioned that you will not depart from England without leave of the Court.

Bail for the sum £ by order of (the party issuing the warrant).

SCHEDULE (B.)

Fees.

	£	s.	d.
To the attorney, for preparing the affidavit of debt and showing that the debtor is about to abscond, and oath - - - - - - - -	0	10	0
To the same for attending to issue the warrant - -	0	6	8
To the Clerk of the Bankruptcy Court or County Court, on the issuing of a warrant - - - - -	0	5	0
To the party executing the warrant for the caption -	1	1	0
To the same, for every mile from the place where the warrant shall be issued to the place where it shall be executed, a further sum of - - - - -	0	0	6
To the same, for every mile from the place where the debtor shall be arrested to the gaol where he shall be lodged, the further sum of - - - - -	0	1	0

Absconding Debtors.

A

BILL

To facilitate the Arrest of Absconding Debtors.

(*Prepared and brought in by Mr. Morley, Sir John Lubbock, and Mr. Barnett.*)

Ordered, by The House of Commons, *to be Printed,* 16 *June* 1870.

[Bill 172.]

Under 1 *oz.*

A

B I L L

FOR

Establishing District Registrars of the High Court of Admiralty in England.

A.D. 1870.

WHEREAS a large proportion of the entire business now transacted in each year before the High Court of Admiralty of England consists of suits arising from the port of Liverpool:

And whereas it would tend to increase the despatch and to lessen the expense of Admiralty suits if registries of the said High Court of Admiralty were established at Liverpool and other outports:

And whereas it is expedient to enlarge in certain respects the jurisdiction and powers of the High Court of Admiralty:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Admiralty District Registrars Act, 1870.

Registries of Court of Admiralty may be established by Order in Council.

2. There shall be established in Liverpool a registry of the High Court of Admiralty, and it shall be lawful for Her Majesty in Council, on the representation of the Lord Chancellor and the Judge of the High Court of Admiralty, to order that in any district to be named in such Order in Council there shall be established a registry of the High Court of Admiralty at the place to be therein named.

Registrar, clerks, and officers.

3. There shall be one registrar for each district, and such clerks and other officers as the judge shall consider necessary, but no such registrar or clerk shall be entitled to claim any compensation in case his office shall at any time be abolished.

Registrar to be appointed by judge.

4. Each district registrar shall be appointed by the judge of the High Court of Admiralty, subject to the approval of the Lord High Admiral of the United Kingdom of Great Britain and Ireland for

A.D. 1870.

the time being, or of the Lords Commissioners for executing the office of Lord High Admiral, as the case may be.

To hold office during good behaviour.

5. The district registrar shall hold his office during good behaviour.

Qualification of registrar.

6. No person shall be appointed a district registrar unless he shall have been in practice as an advocate or barrister, proctor, attorney, or solicitor for a period of *ten* years.

Registrar not to practise as attorney in his district.

7. It shall not be lawful for any district registrar, during the time he shall hold and exercise his office, either directly or indirectly by himself, his partners, clerk, or other person, to practise in his district of the said court, either as attorney originally retained or as agent for any other attorney, nor to participate in any costs payable to any attorney in respect of any such matters; and any district registrar being proved to the satisfaction of the said judge of the Court of Admiralty to have so practised, or to have participated in any costs as aforesaid, contrary to the meaning and intent of this Act, shall be deemed to have committed and shall be punishable as and for a contempt of court, and shall be liable to dismissal from his office.

Powers of registrar.

8. Each district registrar shall have and exercise, in respect of any matter in his registry, all powers held or exercised by the registrar of the High Court of Admiralty of England, by virtue of this or of any former Act or rule.

To have power to hear suits for wages or salvage.

9. The registrar of the High Court of Admiralty and each district registrar, in respect of matters in his registry, shall have power to hear and determine all such suits of wages or salvage such as are now within the summary jurisdiction of two justices of the peace, and may, with the consent of all parties to any suit, adjourn the hearing of any suit or reference to any port or place within his district, where his so doing would be more convenient to the parties, or would further the ends of justice. Any additional expense to be thereby occasioned, unless otherwise ordered, to be deemed part of the costs in the cause.

Where suits to be instituted.

10. Any suit may be instituted,—

1. In the registry within the district of which the ship or property, the subject of the suit, may be at the time of the institution of the suit:
2. Or in the registry within the district of which the owner or owners of the ship or property, or the owner or owners of the larger number of shares in the ship, or the managing owner, or ship's husband, may reside at the time of the institution of the suit:

3. Or in the registry within the district of which is the port of registry of the ship:

4. Or in any other registry which the parties may agree upon, by a memorandum signed by them or their attorneys or agents:

Provided always, that when a suit has been instituted, either in the principal or in any district registry, no further suit shall be instituted against the same property in any other registry without leave of the judge, and subject to such terms as to costs and otherwise as he may direct.

What claims registrar may determine.

11. The registrar of the High Court of Admiralty and each district registrar shall have power to hear and determine when pending in their respective registries any of the following claims; that is to say,

1. Any claim for damage, towage, or necessaries supplied to any ship where the sum claimed does not exceed *three hundred pounds:*

2. Any claim or dispute arising out of any agreement made in relation to the use or hire of any ship, or in relation to the carriage of goods in any ship, or between the owners and any master, officer, seaman, or other person employed on board any ship or otherwise, and also any claim in tort in respect of goods carried in any ship, provided the amount claimed does not exceed *three hundred pounds:*

3. Any such claim or dispute, the amount whereof exceeds the limit above mentioned, subject to the consent of the parties signified by a memorandum in writing signed by them or by their attorneys or agents.

Appeal.

12. An appeal may be made to the High Court of Admiralty of England from a final decree or order of a registrar, and by permission of the registrar or of the judge from any interlocutory degree or order therein, on security for costs being first given, and subject to such other provision as general orders shall direct.

Registrar may summon nautical assessors.

13. On the trial of any Admiralty cause subsisting in any district registry, before the registrar of such district, it shall be lawful for the registrar, if he shall think fit, and he shall, upon the request of either party, summon to his assistance, in such manner as general orders shall direct, two nautical assessors, and such nautical assessors shall attend and assist accordingly.

List of persons qualified to act as nautical assessors to be published

14. Each district registrar shall from time to time frame a list of persons of nautical skill and experience, residing or having places of business within the district, to act as assessors in that district, to be approved by the Lord Chancellor for the time being, before

A.D. 1870.

in London Gazette.

whom the same shall be laid by the district registrar, and without whose approval it shall have no validity, and shall cause the list, when so approved, to be published in the "London Gazette," and in at least one newspaper published in the town where the district registry is situate.

Removal of suits or appeal.

15. Any party to a suit or to an appeal at any stage of such suit or appeal may, by the leave of the Court and subject to such terms as to costs or otherwise as the Court may direct, remove any such suit instituted or any such appeal pending in the principal registry to any district registry, and any suit instituted or appeal pending in a district registry to the principal or to some other district registry.

Scale of costs to be prescribed.

16. A scale of costs and charges in Admiralty causes in the district registries, and of fees to be taken by the district registrars shall be prescribed by general orders.

Application of fees.

17. All fees received in each district registry shall be applied in the first instance in the payment of office expenses and salaries of the clerks employed therein, then in payment to the registrar of such remuneration in lieu of salary as may be determined by general orders; and all such fees shall be accounted for by each district registrar, and the surplus, if any, paid over by him to the Commissioners of Her Majesty's Treasury at such period and in such manner as the Commissioners may direct.

General orders for regulating practice, &c. to be made;

18. General orders shall be from time to time made under this Act for the purposes in this Act directed, and for regulating the practice and procedure in the district registries, the duties of the registrars and officers thereof, and the fees to be taken therein.

By whom to be made.

19. General orders under this Act shall be made by the Lord Chancellor, with the advice and assistance of the judge of the High Court of Admiralty of England.

Admiralty District Registrars.

A

B I L L

For establishing District Registrars of the High Court of Admiralty in England.

(*Prepared and brought in by Mr. Graves, Viscount Sandon, and Mr. Rathbone.*)

Ordered, by The House of Commons, *to be Printed*, 27 *April* 1870.

[Bill 111.]

Under 1 *oz.*

A

B I L L

TO

Amend the "Adulteration of Food or Drink Act (1860)," and to extend its Provisions to Drugs.

A.D. 1870.

WHEREAS the practice of adulterating articles of food and drink and drugs for sale, in fraud of Her Majesty's subjects, and to the great hurt of their health and danger to their lives, requires to be repressed by more effectual laws than those which are now in force for that purpose:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Penalty on persons adulterating articles of food or drink or drugs.

1. Every person who shall admix, and every person who shall order any other person or persons to admix, with any article of food or drink, any injurious or poisonous ingredient or material to adulterate the same for sale, and every person who shall admix, and every person who shall order any other person or persons to admix, any ingredient or material with any drug to adulterate the same for sale, shall for the first offence forfeit and pay a penalty not exceeding *fifty pounds*, together with the costs attending such conviction, and for the second offence shall be guilty of a misdemeanor, and be imprisoned for six calendar months, with hard labour.

Penalty on persons selling articles of food or drink or drugs which they know to have been adulterated.

2. Every person who shall sell any article of food or drink with which to the knowledge of such person any ingredient or material injurious to the health of persons eating or drinking such article has been mixed, and every person who shall sell as pure and unadulterated any article of food or drink, or any drug which is adulterated or not pure, shall for every such offence, on a summary conviction of the same before two justices of the peace at petty sessions in England, and in Scotland before two justices of the

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peace in the justices of the peace court, or before the sheriff substitute of the county, or before justices at petty sessions or a divisional justice in Ireland, forfeit and pay a penalty not exceeding *twenty pounds*, together with such costs attending such conviction as to the said justices shall seem reasonable; and if any person so convicted shall afterwards commit the like offence, it shall be lawful for such justices of the peace to cause such offender's name, place of abode, and offence to be published at the expense of such offender, in such newspaper or in such other manner as to the said justices shall seem desirable.

Power to appoint analysts.

3. In the city of London and the liberties thereof the commissioners of sewers of the city of London and the liberties thereof, and in all other parts of the metropolis the vestries and district boards acting in execution of the Act for the better local management of the metropolis in England and Ireland, the court of quarter sessions of every county, and the town council of every borough having a separate court of quarter sessions, and in Scotland the commissioners of supply at their ordinary meetings for counties, and town councils within their several jurisdictions, shall, for their respective city, districts, counties, or boroughs, appoint and remove one or more persons possessing competent medical, chemical, and microscopical knowledge as analysts of all articles of food, drink, and drugs purchased within the said city, metropolitan districts, counties, or boroughs, and shall pay to such analysts such salary or allowances as they may think fit; but such appointments and removals shall at all times be subject in Great Britain to the approval of one of Her Majesty's Principal Secretaries of State, and in Ireland to that of the Lord Lieutenant.

Appointment of commissioners to aid local authorities in carrying Act into effect.

4. In Great Britain one of Her Majesty's Principal Secretaries of State, and in Ireland the Lord Lieutenant, shall appoint one or more persons to act as commissioners to confer with and assist the local authorities in carrying out and enforcing this Act.

Inspectors of nuisances, &c. may submit articles to be analyzed.

5. The inspector of nuisances or the inspector of weights and measures, or the inspector of markets, one or all of them, as the local authority appointing them shall think fit to determine, in every district, county, city, or borough, shall procure and submit samples of articles of food or drink and drugs suspected to be adulterated to be analyzed by the analysts appointed under this Act, and shall, upon receiving a certificate stating that the articles of food or drink or drugs are adulterated, cause a complaint of an offence against this Act by the party selling or adulterating

such articles of food or drink or drugs to be made before a justice of the peace, and thereupon such justice shall issue a summons requiring the seller or the adulterator to appear before two justices of the peace at petty sessions in England, and in Scotland before two justices of the peace in the justice of the peace court, or before the sheriff substitute of the county, or before justices of petty sessions or divisional justices in Ireland, to answer such complaint, and such summons shall be served by delivering the same, or a true copy thereof, upon the premises where such samples were obtained or sold, and the expense of such prosecutions, if not ordered to be paid by the party complained against, shall be deemed part of the expense of executing this Act.

Analysts to make reports quarterly.

6. The analysts appointed under this Act shall report quarterly to the local authorities appointing them the number of articles of food, drink, or drugs analyzed by them under this Act during the foregoing quarter, and shall specify the nature and kind of adulterations detected in such articles of food, drink, and drugs, and all such reports shall be read at the meetings of the local authorities appointing such analysts.

Proof of identity of articles submitted to analysts.

7. On the hearing by the justices of any complaint under this Act in any district, county, city, or borough wherein analysts shall have been appointed under this Act, the purchaser, or inspector of nuisances, or the inspector of weights and measures, or the inspector of markets, as the case may be, shall prove to the satisfaction of such justices that the article of food or drink or drugs alleged to be adulterated was delivered to the analysts in the same condition as regards its purity or impurity as it was when received from the seller.

Purchaser of articles of food, &c. may require same to be analyzed.

8. Any purchaser of any article of food or drink or drugs in any district, county, city, or borough where there is any analyst appointed under this Act shall be entitled, on payment to the inspector or inspectors appointed under this Act of a sum not less than *one shilling* nor more than *five shillings*, to have any such article analyzed by any analyst who may be appointed for such district, county, city, or borough, and to receive from such analyst a certificate of the result of his analysis, specifying whether, in his opinion, such article is adulterated, and also whether, if it be an article of food or drink, it is so adulterated as to be injurious to the health of persons eating or drinking the same, and such certificate, duly signed by such analyst, shall, in the absence of any evidence before the justices or in any court

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of justices to the contrary, be sufficient evidence of the matters therein certified, and the sum so directed to be paid for such certificate shall be deemed part of the costs.

Articles of food, &c. ordered for analysis to be received, and samples retained by inspectors.

9. All articles of food, drink, or drugs to be analyzed by the analysts appointed under this Act shall be received by the inspectors appointed by the local authorities, and from all such articles of food, drink, or drugs samples shall be taken and sealed in the presence of the analysts by the inspectors, to be retained by them and produced in case the justices shall order other analyses to be made under clause of this Act.

Appeal to quarter sessions.

10. Any person who has been convicted of any offence punishable by this Act by any justices may appeal to the next general or quarter sessions of the peace which shall be held for the city, county, town, or place wherein such judgment or conviction shall have been made, or in the case of the conviction having been before a sheriff substitute in Scotland, then the appeal shall be to the sheriff of the county, provided that such person enter into a recognizance within two days next after such conviction, with two sufficient sureties, conditioned to try such appeal, and to be forthcoming to abide the judgment and determination of the court at such general or quarter sessions, or sheriff, and to pay such costs as shall be by such court awarded; and the justices before whom such conviction shall be had are hereby empowered and required to take such recognizance; and the court at such general or quarter sessions, or sheriff, are hereby authorized and required to hear and finally determine the matter of every such appeal, and may award such costs to the party appealing or appealed against as they shall think proper.

Where conviction within six days of quarter sessions, time allowed for appeal.

11. If any such conviction or judgment or order of forfeiture shall happen to be made within six days before any general or quarter sessions of the peace shall be held for the city, county, town, or place wherein such conviction shall have been made, the person who shall think himself aggrieved by any such conviction may, on entering into a recognizance in manner and for the purposes before directed, be at liberty to appeal either to the then next or next following general or quarter sessions of the peace which shall be held for any such city, county, town, or place wherein any such conviction shall have been made, on giving six days notice to the complainant of his intention to appeal.

Persons convicted of selling

12. Any person who shall have been convicted by any justices or sheriff substitute of any offence punishable by this Act, in

respect of the selling of any article of food or drink or drugs which shall have been manufactured according to any process patented before the passing of this Act, either by the patentee or owner of the patent, or by any person carrying on his business or otherwise claiming under him during the continuance of such patent, may, instead of appealing to the general or quarter sessions of the peace or sheriff of the county, apply in writing within five days after such conviction to the justices or sheriff substitute, to state and sign a case for the opinion of one of the superior courts of law thereon, in like manner as under the statute of the twentieth and twenty-first years of Her Majesty, chapter forty-three, he might have applied to the justices to state and sign a case, and thereupon all such proceedings shall take place upon and in relation to such application, and all such provisions shall be applicable thereto, as would have taken place upon and in relation thereto, and been applicable thereto, under the provisions of the said last-mentioned Act; and in Scotland, for the purposes of such appeal, the justices or sheriff substitute may state and sign a case for the opinion of the Court of Session, in like manner as the justices in England and Ireland may, for the opinion of the superior courts of law under the said Act, and the Court of Session shall have in relation thereto the like powers as the superior courts have under the said Act, and all the other provisions of the said Act shall be applicable to such appeals.

adulterated patented article may have a case stated for opinion of superior court.

13. In England the provisions in the Nuisances Removal Act for England, 1855, as to procedure, and the provisions of the Act of the eleventh and twelfth years of the reign of Her present Majesty, intituled "An Act to facilitate the performance of the duties of "justices of the peace and of sessions within England and Wales "with respect to summary convictions and orders," and in Scotland the ordinary rules regulating the procedure of justices of the peace, so far as the same are respectively applicable, shall extend and apply to cases arising under this Act in England or Scotland; and all moneys arising from penalties under this Act in any county, city, district, or borough where there are analysts appointed under this Act shall, when paid or recovered, be paid in England and Ireland to the vestry, district board, commissioners, county treasurer, or town council for such county, city, district, or borough respectively, to be applied for the general purposes of such vestry, district board, commissioners, county, city, or borough respectively, and to the collector of rogue money for each county in Scotland.

Procedure in cases under this Act.

Application of moneys.

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Proceedings in Ireland as to complaints, &c. to be subject to provisions of 14 & 15 Vict. c. 93. and 21 & 22 Vict. c. 100.

14. All proceedings under this Act in Ireland as to compelling the appearance of any such person or of any witness, and as to the hearing and determination of such complaints, and as to the making and executing of such orders, and as to the applications of fines, amerciaments, and forfeited recognizances imposed or levied under this Act at petty sessions, shall be subject in all respects to the provisions of "The Petty Sessions (Ireland) Act, 1851," as the same is amended by "The Petty Sessions Clerk (Ireland) Act, 1858," (when the case shall be heard in any petty sessions district,) and to the provisions of the Acts relating to the divisional police offices (when the case shall be heard in the police district of Dublin metropolis), so far as the said provisions shall be consistent with any special provisions of this Act; and when any fine or penalty is imposed at any of the divisional police offices of Dublin metropolis, or by the justices in any corporate town, under the provisions of this Act, such fines and penalties shall be paid over to the same purposes and appropriated and applied in the same manner as is now by law authorized in respect of fines and penalties imposed at such divisional police offices, or by the justices in any such corporate town respectively.

Appeal to quarter sessions.

15. In Ireland any person who has been convicted of any offence punishable by this Act may appeal to the next court of quarter sessions to be held in the same division of the county where the order shall be made by any justice or justices in any petty sessions district, or to the recorder at his next sessions where the order shall be made by the divisional justices in the police district of Dublin metropolis, or to the recorder of any corporate or borough town when the order shall be made by any justice or justices in such corporate or borough town (unless when any such sessions shall commence within seven days from the date of any such order, in which case, if the appellant sees fit, the appeal may be made to the next succeeding sessions to be held for such division or town); and it shall be lawful for such court of quarter sessions or recorder, as the case may be, to decide such appeal, if made in such form and manner, and with such notices, as are required by the Petty Sessions Acts respectively herein-before mentioned as to appeals against orders made by justices at petty sessions; and all the provisions of the said Petty Sessions Acts respectively as to making appeals and as to executing the orders made on appeal, or the original orders where the appeals shall not be duly prosecuted, shall also apply to any appeal or like order to be made under the provisions of this Act.

As to expenses of executing Act.

16. The expense of executing this Act shall be borne, in the city of London and the liberties thereof, out of the consolidated rates raised by the commissioners of sewers of the city of London and the liberties thereof, and in the rest of the metropolis out of any rates or funds applicable to the purposes of the Act for the better local management of the metropolis, and in counties out of the county rate, and in boroughs out of the borough fund, or out of the rogue money in counties in Scotland.

Indictment or other remedy not affected.

17. Nothing in this Act contained shall be held to affect the power of proceeding by indictment, or to take away any other remedy against any offender under this Act.

Interpretation of terms.

18. In the construction of this Act the words "articles of food or drink" shall (if not inconsistent with the context or subject matter) include not only all alimentary substances, whether solids or liquids, but also all eatables or drinkables whatsoever not being medical drugs or articles usually taken or sold as medicines, but this Act shall not be construed so as to affect the ordinary reduction of the strength of foreign, British, or colonial spirits by persons licensed and paying duties under the excise.

Adulteration of Food or Drink Act (1860) Amendment.

A

B I L L

To amend the "Adulteration of Food or "Drink Act (1860)," and to extend its Provisions to Drugs.

(*Prepared and brought in by Mr. Muntz, Mr. Goldney, and Mr. Dixon.*)

Ordered, by The House of Commons, *to be Printed,* 22 *February* 1870.

[Bill 44.]

Under 1 *oz.*

A

B I L L

TO

Abolish the Annuity Tax, or Ministers Money, which is levied in the parish of Canongate within Edinburgh, and to make other provisions respecting the stipends of the ministers in that parish, and also respecting the stipends of the ministers in the City Parishes. A.D. 1870.

WHEREAS it is expedient that the Annuity Tax, or Ministers Money, at present levied within the parish of Canongate, situated within the parliamentary burgh of Edinburgh, on behalf of the minister of that parish, should be abolished, and that other provisions should be made respecting the future payment of the stipend of the minister of that parish, and also respecting the stipends of the ministers in the parishes of the city of Edinburgh, and to amend the Acts twenty-third and twenty-fourth Victoria, chapter fifty, and twenty-fourth and twenty-fifth Victoria, chapter twenty-seven, and thirtieth and thirty-first Victoria, chapter one hundred and seven, under which the said stipends are now regulated:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The following words and expressions in this Act shall have the several meanings hereby assigned to them:

The word "commissioners" shall mean the commissioners appointed and incorporated under the first-recited Act:

The expression "magistrates and council" shall mean the lord provost, magistrates, and town council of the city of Edinburgh for the time being:

The word "city" shall mean the city of Edinburgh.

2. From and after the term of *Whitsunday one thousand eight hundred and seventy*, when the fixed stipend herein-after provided Canongate Annuity Tax abolished.

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becomes payable, the rate or tax now levied under the name of the Canongate Annuity Tax within the parish of Canongate, for the maintenance in part of the minister thereof, shall cease to be imposed or levied.

Pews of Canongate Church to be let.

3. The seats or pews in the church of the said parish of Canongate shall continue to be let by or at the sight of the kirk session of the said parish, and the proceeds thereof paid over to the commissioners in the manner provided by the last-recited Act.

How pew rents are to be regulated.

4. The commissioners, in fixing the rents to be charged for pews or seats within the churches of the City and Canongate, may increase the rates now charged for them, and exercise the powers for regulating the same, conferred by the sixth section of the first-recited Act in regard to the City churches, but subject always to the condition that the pew or seat rents of the City churches, together with the rents, feu duties, and other miscellaneous receipts now leviable in connexion with them, shall be so regulated as not to yield a less sum in any one year than the average yearly amount derived from the same sources in the two years ending *thirtieth day of June one thousand eight hundred and sixty-nine*, as shown by the accounts of the commissioners published in terms of the first-recited Act, namely, four thousand three hundred and thirty-three pounds ten shillings and twopence, and shall not exceed the amount derived from the pew or seat rents of the thirteen City churches in the year ending at Martinmas one thousand eight hundred and thirty-two, namely, seven thousand five hundred and thirty-nine pounds seventeen shillings and elevenpence, unless at a general meeting of the kirk sessions of all the churches, specially called to consider the question, a majority of the members present at such meeting shall resolve to sanction the raising of any larger sum; and the commissioners or kirk sessions are hereby authorized and required to recover payment of seat or pew rents from all sitters or heads of families for such sittings or pews as they or their families usually occupy in any of the said churches; and the produce of the said seat or pew rents shall from time to time be paid over by the kirk sessions of the several churches to the commissioners, free from any deductions whatever; provided that nothing in this Act shall affect so much of the said section sixth of the first-recited Act as requires that not less than one tenth of the number of sittings in each church shall be reserved as free sittings; and in Trinity College church two hundred sittings shall be reserved as free sittings for the accommodation of the beneficiaries or pensioners of Trinity Hospital.

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Permanent stipend fund.

5. The commissioners shall, in addition to the pew or seat rents, continue to uplift the rents of the dwelling houses, cellars, and vaults underneath or attached to the said City churches, including the feu duties payable in respect of the ground whereon Lady Yester's church was formerly built, the interest of the monies mortified for the endowment of the last-named church, and all other funds and revenues which now belong to them under any of the said recited Acts, or to which they may hereafter acquire right, together with the terminable annuities made payable under this Act; and all the foresaid funds and revenues shall be united to form the stipend fund under this Act; and the stipends of all the ministers of the said city churches and of Canongate parish church, who may be presented to the same upon the death or demission of the present ministers, or who may be presented to fill up any vacancy which may occur or may have occurred by the death or demission of any minister before the passing of this Act, shall be paid out of the said fund at the terms of Whitsunday and Candlemas respectively in equal portions: Provided that nothing in this Act shall be construed to interfere with or affect the rights of the commissioners under the fifteenth section of the first-recited Act, but that these rights shall continue to exist in all respects as if this Act had not been passed.

Annuity to be restricted in amount.

6. So much of the eighth section of the first-recited Act, and of schedule (A.) annexed thereto, as requires the magistrates and council to pay to the commissioners a perpetual annuity of four thousand two hundred pounds per annum, being the amount received by them from the police assessment, and required to be paid as a commutation of part of the annuity tax formerly leviable for ministers stipends within the city, by equal portions, on the second day of February and fifteenth day of May in each year, shall be and is hereby repealed; and from and after the *fifteenth day of May one thousand eight hundred and seventy*, the said annuity shall be restricted to two thousand and fifty pounds, and become payable to the Commissioners as part of the stipend fund, the first portion to be payable on that day, and the second portion to be payable on the *second day of February one thousand eight hundred and seventy-one;* and from and after the death or demission of one of the eight ministers of any of the churches situated within the ancient royalty of the city, the said annuity shall be restricted to *one thousand four hundred and fifty pounds;* and from and after the death or demission of a second minister of any of the said churches the said annuity shall be restricted to *eight hundred and fifty pounds;* and from and after the death or demission of a third minister of any

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of the said churches the said annuity shall be restricted to *two hundred and fifty pounds;* and from and after the death or demission of the minister of the parish of Canongate the annuity which would otherwise have been payable after that period shall be reduced by *two hundred and fifty pounds;* and from and after the death or demission as aforesaid of three ministers of churches situated within the ancient royalty of the city, and of the minister of the parish of Canongate, the obligation to pay any portion of the said annuity shall cease and determine, and after the death or demission of all the thirteen ministers now officiating in the city churches and of the minister of the Canongate parish, the bond of annuity granted by the magistrates and council in terms of the eighth section of the first-recited Act, and of schedule (A.) annexed thereto, shall be held to be cancelled, and the security which the commissioners now enjoy under the said first-recited Act over the revenues and properties of the city shall cease and determine; and it shall thereafter be in the power of the Commissioners either to provide stipends, of such amount as they shall think fit, out of the foresaid permanent stipend fund, as vacancies occur, for successors to all or any of the said three ministers of the ancient royalty, or if the commissioners shall, in the exercise of their discretion, deem it expedient not to provide stipends for a successor or successors to any one or more of such three ministers, in such case no successor shall be appointed, and the charge shall thereupon lapse and become extinct in the same way and manner as is provided respecting other charges under the twenty-first section of the first-recited Act; and a re-arrangement of the charges and of the boundaries of the city parishes, including a union of parishes if deemed expedient by the Commissioners, shall in such case be made in conformity with the powers conferred by the twenty-third section of the first-recited Act respecting other charges suppressed by the said Act: provided that any vacancy which may occur or may have occurred before the passing of this Act, by the death or demission of any of the eight ministers in the ancient royalty of the city, and which vacancy has not been filled up before the passing of this Act, shall be dealt with, as respects the payment of a restricted amount of annuity by the magistrates and council, to the Commissioners, in the same manner as is herein-before provided for in the case of vacancies occurring after the passing of this Act.

When vacancies occur, how to be provided for.

Additional sums to be paid to stipend fund.

7. The magistrates and council shall, by virtue of the powers conferred on them to raise and apply the foresaid sum of four thousand two hundred pounds from the police assessment, pay to the Commissioners as part of the foresaid stipend fund an additional

terminable annuity of fifty pounds per annum towards the stipends of each the nine city ministers who have heretofore been in receipt of stipends of six hundred pounds per annum in terms of the first-recited Act, such annuity to be payable in two equal portions at Whitsunday and Candlemas respectively, during the incumbency of each of the said ministers. A.D. 1870.

Minister's stipend preferably secured.

8. The Commissioners shall, out of the foresaid stipend fund, pay, in the first place, to every person who, at the passing of this Act, was, and so long as he continues to be, a minister of any of the churches in the city, or of the parish of Canongate, during all the days of his incumbency, the full stipend to which he became entitled under the provisions of any of the said recited Acts, preferably to the stipends of any ministers who may be appointed after the passing of this Act, and preferably to all other charges or payments of any kind whatsoever; and the stipends of all the ministers who may be appointed after the decease or demission of the present incumbents shall follow next in order, and, in like manner, be payable out of the said stipend fund, preferably to all other charges or payments of any kind whatsoever; and the surplus thereafter arising from such stipend fund shall be applicable to the payment of those other expenses connected with the churches which are not hereby specially provided for out of the ordinary churchdoor collections or offerings.

Act to be recorded in public registers.

9. After the death or demission of all the thirteen ministers now officiating in the city churches and of the minister of Canongate Church, but not sooner, the real security created by the first-recited Act for four thousand two hundred pounds under the bond granted in terms of the first-recited Act, and of schedule (A.) annexed thereto, shall cease and determine; and a copy of this Act, recorded in the General Register of Sasines kept at Edinburgh, and in the Register of Sasines for the burgh of Edinburgh, shall to all intents and purposes be, and shall be held to be, equivalent to a discharge and renunciation, in favour of the debtors in the said bond of annuity, of all the heritable property belonging to the magistrates and council, so as to free and relieve the same of the real burden created by the first-recited Act, and the recording of the same in the said Register of Sasines; and shall also be held equivalent to an intimated retrocession of the debts and rights and to actual re-delivery of the moveable property of the said magistrates and council, so as to free and relieve the same in all time to come from all lien over the same in favour of the Commissioners or any of the said ministers; and the keepers of the

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said General Register of Sasines and Burgh Register of Sasines are, upon a copy of this Act being presented to them for that purpose on behalf of the magistrates and council, hereby authorized and required to record the same in the said respective registers.

Assessment to be gradually reduced.

10. The bonds of annuity granted in terms of the first-recited Act, and schedule (B.) annexed thereto, in favour of the Commissioners for behoof of Doctor John Hunter, Doctor James M'Letchie, and Doctor George Smith, during their several lives, being now extinguished by reason of their decease, and the maximum assessment being, in consequence, now limited to threepence per pound, so much of the eleventh section of the first-recited Act as authorizes the magistrates and council to levy the said assessment to the extent of threepence per pound on the rental of the property situated within the ancient and extended royalties as declared and limited by the second-recited Act, shall be repealed; and from and after the term of *Whitsunday one thousand eight hundred and seventy* the said assessment shall be levied as nearly as can be calculated to such extent only as will meet the restricted annuities granted by this Act; and the surplus levied during any one year shall be applied towards the payments of the succeeding years, and in like manner the deficiencies of any one year may be assessed for, collected, and applied in succeeding years; and declaring that, so long as any such assessment shall be levied over the ancient and extended royalties, it shall be levied to the same extent and in the same way and manner, from the occupiers of all lands and heritages in the parish of Canongate, in which it may be levied over the ancient and extended royalties under the said recited Acts and this Act: Provided that all arrears of annuity tax formerly leviable within any part of the parliamentary burgh of Edinburgh shall, after the term of Whitsunday one thousand eight hundred and seventy, cease to be recoverable.

Part of the church door collections to be applied for church expenses.

11. From and after the term of *Whitsunday one thousand eight hundred and seventy* so much of the aggregate amount of the ordinary church door collections or offerings, other than collections made for special purposes, shall be paid over to the Commissioners by the kirk sessions of the said churches, as the said Commissioners shall consider sufficient to meet the aggregate expenditure on account of the City and Canongate churches, for the salaries of precentors, beadles, door-keepers, and other church officers, and to provide every thing requisite for the proper celebration of the Communion service therein, and other such incidental expenses, but not including payments for repairs or improvements on the churches, or

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other such expenses, and not exceeding in any one year the sum of twelve hundred pounds: Provided that at a meeting of the elders and male members of any church, specially called to consider the question, it shall be lawful for the meeting to resolve, by a majority of those present, to defray, in all time coming, the miscellaneous expenses required for such church, other than those herein specially provided for from the ordinary church door collections, by making one or more special collections annually for that purpose; and on such resolution being communicated to and approved of by the Commissioners it shall be binding on the elders and members of such church in all time coming.

Patronages of the thirteen city churches to be surrendered by the magistrates and council.

12. So much of the twenty-second section of the first-recited Act as requires payment to be made by the commissioners or kirk session to the city treasurer, for behoof of the magistrates and council, of six hundred pounds as the value and price of the right of patronage of any one or of each of the parochial charges in the city, before the right of patronage shall be transferred by the magistrates and council to, and vested in, the kirk session of such church, for the purpose of being in all time thereafter lawfully exercised by the elders and other male members of the church in which there is a vacancy, or a majority of their number in full communion, and whose names have stood on the roll of communicants of such church for three years preceding the occurrence of the vacancy, shall be repealed; and from and after the passing of this Act the right of patronage of each of the city churches shall be transferred to and vested in the kirk session thereof, and shall be exercised by the elders and communicants in the manner provided for in the twenty-second section of the said first-recited Act, without the payment of any price for the same, as fully and freely as if the said sum of six hundred pounds had been paid to the magistrates and council for each such right of patronage.

Any deficiency at Whitsunday 1870 to be paid by the magistrates and council.

13. This Act shall take effect as from the term of *Whitsunday one thousand eight hundred and seventy;* and the Commissioners shall balance their accounts so as to show the sums due by them for payment of ministers' stipends as at that date, and the sums due for all the ordinary church expenses which have then been actually incurred; and on the other side to show the sums of money which they have in hand or which may be owing to them to meet the foresaid obligations; and if on the accounts being thus balanced there shall be any deficiency of funds belonging to them to meet these obligations, such deficiency shall be paid by the magistrates and council within one month from the date when the accounts of the Commissioners shall be transmitted to them,

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and the amount of any such deficiency shall thereafter be assessed for and paid out of the foresaid police assessment in manner before provided respecting other payments herein required to be made from the same source.

Statutes inconsistent with this Act repealed.

14. All laws, statutes, and usages inconsistent with the provisions of this Act are hereby repealed.

Act to be construed with recited Acts.

15. This Act shall be construed as one with the recited Acts, in so far as the provisions of those Acts are not repealed by or inconsistent with the provisions of this Act.

Annuity Tax (Edinburgh).

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B I L L

To abolish the Annuity Tax, or Ministers Money, which is levied in the parish of Canongate within Edinburgh, and to make other provisions respecting the stipends of the ministers in that parish, and also respecting the stipends of the ministers in the City Parishes.

(Prepared and brought in by Mr. McLaren, Mr. Miller, and Mr. Crum-Ewing.)

Ordered, by The House of Commons, *to be Printed,* 9 *February* 1870.

[Bill 4.]

Under 1 *oz.*

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BILL

TO

Amend the Act twenty-third and twenty-fourth Victoria, chapter fifty, intituled "An Act to abolish the Annuity "Tax in Edinburgh and Montrose, and to make provision "in regard to the Stipends of the Ministers in that City "and Burgh, and also to make provision for the Patronage "of the Church of North Leith." A.D. 1870.

WHEREAS it is expedient to amend the Act of the twenty-third and twenty-fourth Victoria, chapter fifty, intituled "An Act to abolish the Annuity Tax in Edinburgh and Montrose, "and to make provision in regard to the stipends of the ministers in "that city and burgh, and also to make provision for the patronage "of the church of North Leith;" to enable the magistrates and council of Edinburgh to redeem the bond of annuity granted by them in virtue of said Act to the Edinburgh Ecclesiastical Commissioners; to abolish the annuity tax within the parish of Canongate; and to make further provisions regarding the management and patronage of the parish churches of Edinburgh, and the payment of the ministers thereof and of the Canongate:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Bond of annuity redeemable.

1. The bond of annuity for four thousand two hundred pounds granted in virtue of the said Act twenty-third and twenty-fourth Victoria, chapter fifty, by the magistrates and council of Edinburgh to the Edinburgh Ecclesiastical Commissioners, shall be redeemable on payment, as herein-after provided, by the said magistrates and council to the said commissioners of the sum of *sixty thousand pounds*.

A.D. 1870.

On redemption existing securities to be deemed discharged.

2. The said redemption may be made at the term of *Martinmas one thousand eight hundred and seventy*, or at any subsequent term of *Whitsunday or Martinmas*, upon *three months* previous notice in writing to the said commissioners; and on payment of the said sum of *sixty thousand pounds* being completely made, and receipt therefor being recorded in the register in which the said bond is recorded, the said bond and the existing securities therefor shall by virtue of this Act be deemed to be validly discharged.

Magistrates may apply funds of city towards redemption, and borrow not exceeding 50,000*l*.

3. The said magistrates and council shall be entitled and are hereby authorized to take out of the estate and revenues of the city of Edinburgh under their administration, and apply towards the redemption of the said bond, such sum as they shall judge proper and expedient; and in order to enable them to make up the full amount of the redemption money, they are hereby empowered to borrow on the security of said estate and revenues any sum not exceeding *fifty thousand pounds* which they shall find necessary for that purpose, and to pay the interest thereof, and from time to time as shall be proper and expedient in course of a due administration, to pay off the capital out of said estate and revenues; and it shall be lawful for them to grant all proper deeds of obligation and security for the money so borrowed.

Power of levying increased assessments to continue for 10 years, and an account to be kept.

4. The power of levying increased assessments conferred on the said magistrates and council by section eleven of the said Act of twenty-third and twenty-fourth Victoria, chapter fifty, shall, so far as now subsisting, but no farther, continue until the expiry of *ten* years after the said bond shall be redeemed and discharged, and shall then altogether cease: Provided always, that *after the passing of this Act* an account shall be kept, and, at the term of Martinmas annually, rendered by the said magistrates and council to the said Ecclesiastical Commissioners, of the whole produce of said increased assessments.

Surplus of increased assessments to be paid to Ecclesiastical Commissioners, and

5. So long as the said bond shall remain unredeemed, any surplus of the said increased assessments, beyond the amount of the annuity payable under the said bond shall at Martinmas annually be paid to the said Ecclesiastical Commissioners, and shall be added to and deemed part of the funds under their administration.

After redemption of bond to be applied in paying off amount borrowed.

6. After the redemption and discharge of the said bond, any surplus of said increased assessments beyond the amount of the interest payable on money borrowed under the authority of this Act shall, at such convenient periods in each year as the magistrates and

council may determine, be paid into an account to be opened in the Bank of Scotland, in name of the city treasurer, and shall be accumulated and invested, and from time to time, as shall be deemed proper and expedient, applied in paying off the debt incurred by borrowing money under the authority of this Act.

Tax in parish of Canongate to be imposed for ten years after redemption of bond.

7. The tax imposed in the parish of Canongate under section four of the Act thirtieth and thirty-first Victoria, chapter one hundred and seven, shall continue to be imposed until the expiry of *ten years* after the said bond shall be redeemed and discharged, and shall then cease to be imposed; and from and after such redemption and discharge the produce of said tax shall be paid to the magistrates and council of Edinburgh, and shall be disposed of by them in the manner herein-before provided with respect to the surplus of increased assessments after such redemption and discharge.

After which stipend to be paid by Ecclesiastical Commissioners.

8. From and after the redemption and discharge of said bond the stipend of the minister of the parish of Canongate shall be paid by the Edinburgh Ecclesiastical Commissioners out of the funds in their hands, and under the said Act twenty-third and twenty-fourth Victoria, chapter fifty, and this Act.

Appropriation of church-door collections.

9. From and after the redemption and discharge of said bond one half of the ordinary church-door collections of the churches the ministers whereof are paid by the Edinburgh Ecclesiastical Commissioners shall be paid to the said commissioners by the Kirk sessions of said churches, and shall be applicable to the payment of precentors, beadles, and doorkeepers, and to defraying the expense of celebrating communion, and heating and lighting the churches; and should any balance remain, the same may be applied, in the discretion of the said commissioners, to any ecclesiastical purpose within their charge.

Annual payment from revenues of Leith Docks to be redeemed.

10. Whereas by the Public Act, first and second Victoria, chapter fifty-five, the Commissioners for the harbour and docks of Leith (herein-after called the Leith Dock Commissioners) are directed to pay annually out of the revenues of the harbour and docks of Leith into an account therein specified, in preference to all other payments, the sum of seven thousand six hundred and eighty pounds, and out of that sum the Remembrancer and Auditor of the Court of Exchequer in Scotland is directed to pay the sum of two thousand pounds annually to and for behoof of the ministers of the city of Edinburgh, to any person duly authorized by them to receive the same, which sum of two thousand pounds is by

A.D. 1870.

the Public Act, twenty-third and twenty-fourth Victoria, chapter fifty, directed to be annually paid to the Edinburgh Ecclesiastical Commissioners: And whereas it is expedient that the said annual sum of two thousand pounds now payable by the Leith Dock Commissioners, being part of the said annual sum of seven thousand six hundred and eighty pounds, should be redeemed on payment to the said Ecclesiastical Commissioners of a capital sum of *forty thousand pounds*: Therefore, the Leith Dock Commissioners shall, on the fifteenth day of May one thousand eight hundred and seventy-one, pay to the said Ecclesiastical Commissioners the sum of *forty thousand pounds*, in redemption of the said annual sum of two thousand pounds, with interest of the said sum of *forty thousand pounds* at the rate of *five pounds* per centum per annum from the date of payment till paid; and on payment of the said sum of *forty thousand pounds*, and any interest which may become due thereon, the said Ecclesiastical Commissioners shall grant a discharge thereof and of the said annual sum of two thousand pounds, and the said annual sum of seven thousand six hundred and eighty pounds payable out of the revenues of the said harbour and docks shall be reduced and restricted to five thousand six hundred and eighty pounds per annum, and the said annual sum of two thousand pounds shall cease to be payable by the said Remembrancer and Auditor of the Court of Exchequer to the said Ecclesiastical Commissioners.

Power to Leith Dock Commissioners to borrow money.

11. For the purpose of raising the said redemption money it shall be lawful for the Leith Dock Commissioners, in addition to any money borowed or authorized to be borrowed by them before the *passing of this Act*, to borrow any sums of money not exceeding *forty thousand pounds*, and in security of the payment of the sums so borrowed and the interest thereon, to make and grant mortgages and assignations of the said harbour and docks, and the works and property vested in or acquired or to be acquired or constructed by the Leith Dock Commissioners, and the rates and duties to be levied by them under the authority of the Acts relating to the said harbour and docks, or any of them, or to accept and take from any bank credit on a cash account to be opened and kept with such bank in the name of the Leith Dock Commissioners, according to the usage of bankers in Scotland, or in such other form as may be preferred by such bank, to the extent of the said sum of *forty thousand pounds* or any part thereof, and, if required, to make and grant mortgages and assignations of the said harbour and docks and the said works, and property and rates and duties, in security

of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon; and if after having borrowed the said sum, or any part thereof, the Leith Dock Commissioners pay off the same otherwise than by means of any sinking fund, it shall be lawful for them again to borrow the amount so paid off, and so from time to time; and the mortgages and assignations to be made and granted by the Leith Dock Commissioners may be in writing or printed, or partly in writing and partly printed, and shall be sealed with their common seal, and signed at and in presence of a meeting of the Leith Dock Commissioners, in the manner prescribed by the Public Act, seventh Victoria, chapter twenty.

Incorporation of clauses of 10 & 11 Vict. c. 16.

12. The clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the commissioners, with the exception of section eighty-four, are hereby incorporated with this Act, and shall be applicable to the money to be borrowed and the mortgages and assignations to be granted by the Leith Dock Commissioners under the authority of this Act.

Priority of money borrowed by Leith Dock Commissioners.

13. The said sum of *forty thousand pounds*, and the mortgages and assignations or other securities to be granted therefor, and the interest payable thereon, shall be and are hereby constituted preferable burdens on the said harbour and docks and the said works and property and rates and duties, and shall have priority over all other mortgages, assignations and securities granted or to be granted by the Leith Dock Commissioners for money borrowed or to be borrowed by them, and over all other payments out of the revenues of the said harbour and docks, except the sum of three thousand one hundred and eighty pounds payable annually to the creditors of the city of Edinburgh in terms of the said Act first and second Victoria, chapter fifty-five, being part of the said annual sum of seven thousand six hundred and eighty pounds, and which annual sum of three thousand one hundred and eighty pounds shall rank *pari passu* with the said sum of *forty thousand pounds* and the interest thereon.

Application of money borrowed by Leith Dock Commissioners.

14. The money borrowed by the Leith Dock Commissioners under the authority of this Act shall be applied in paying the said sum of *forty thousand pounds*, and in redeeming the said annual sum of *two thousand pounds* and to no other purpose whatever.

Presentations to certain churches to lease.

15. It shall not be competent to the Ecclesiastical Commissioners, or to any patron or patrons, or to any presbytery, to nominate or present a minister to any of the five churches or charges specified

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in section twenty-one of the said Act twenty-third and twenty-fourth Victoria, chapter fifty, and the said churches and charges shall not be provided with ministers or otherwise maintained as churches and charges endowed by law.

Patronage of other churches transferred to Ecclesiastical Commissioners.

16. The patronage of the parish churches of the city of Edinburgh is hereby transferred to and vested in the Edinburgh Ecclesiastical Commissioners as trustees for the respective congregations of said churches, and the said Commissioners shall on the occurrence of each vacancy exercise the said patronage by issuing a presentation in accordance with the desire of the congregation of the vacant church as expressed by a majority of the male communicants thereof, whose names have been on the communion roll for not less than *one* year immediately preceding the vacancy; and the said Commissioners shall be at liberty from time to time to make regulations with respect to the mode of taking the votes of such communicants.

Application of money by Ecclesiastical Commissioners.

17. The said Ecclesiastical Commissioners shall be entitled and bound to invest the whole money which shall be paid to them under this Act on such securities as they shall consider proper, or in the purchase of land, and shall be entitled and bound to use and apply the interest, rents, and proceeds thereof for the purposes specified in the said Act twenty-third and twenty-fourth Victoria, chapter fifty, and this Act.

Annuity Tax Abolition (Edinburgh and Montrose, &c.) Act (1860) Amendment.

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BILL

To amend the Act twenty-third and twenty-fourth Victoria, chapter fifty, intituled "An Act to abolish the "Annuity Tax in Edinburgh and "Montrose, and to make provision "in regard to the Stipends of the "Ministers in that City and Burgh, "and also to make provision for the "Patronage of the Church of North "Leith."

(*Prepared and brought in by The Lord Advocate, Mr. Secretary Bruce, and Mr. Adam.*)

Ordered, by The House of Commons, *to be Printed*, 4 *March* 1870.

[Bill 62.]

Under 1 *oz.*

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B I L L

[AS AMENDED IN COMMITTEE]

TO

Amend the Act twenty-third and twenty-fourth Victoria, chapter fifty, intituled "An Act to abolish the Annuity "Tax in Edinburgh and Montrose, and to make provision "in regard to the Stipends of the Ministers in that City "and Burgh, and also to make provision for the Patronage "of the Church of North Leith;" and to make provision for the abolition of the Annuity Tax within the Parish of Canongate, and for the payment of the Minister of said Parish. A.D. 1870.

WHEREAS it is expedient to amend the Act of the twenty-third and twenty-fourth Victoria, chapter fifty, intituled "An Act to abolish the Annuity Tax in Edinburgh and Montrose, "and to make provision in regard to the stipends of the ministers in "that city and burgh, and also to make provision for the patronage "of the church of North Leith;" to enable the magistrates and council of Edinburgh to redeem the bond of annuity granted by them in virtue of said Act to the Edinburgh Ecclesiastical Commissioners; to abolish the annuity tax within the parish of Canongate; and to make further provisions regarding the management and patronage of the parish churches of Edinburgh, and the payment of the ministers thereof and of the Canongate:

And whereas it is also expedient to repeal certain of the provisions of the said Act applicable to Montrose, and to substitute other provisions in lieu thereof:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The bond of annuity for four thousand two hundred pounds granted in virtue of the said Act twenty-third and twenty-fourth Victoria, chapter fifty, by the magistrates and council of Edinburgh Bond of annuity redeemable.

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to the Edinburgh Ecclesiastical Commissioners, shall be redeemable on payment, as herein-after provided, by the said magistrates and council to the said commissioners of the sum of fifty-six thousand five hundred pounds.

On redemption existing securities to be deemed discharged.

2. The said redemption may be made at the term of Martinmas one thousand eight hundred and seventy, or at any subsequent term of Whitsunday or Martinmas, upon three months previous notice in writing to the said commissioners; and on payment of the said sum of fifty-six thousand five hundred pounds being completely made, and receipt therefor being recorded in the register in which the said bond is recorded, the said bond and the existing securities therefor shall by virtue of this Act be deemed to be validly discharged, subject to the claim of the said commissioners for any unpaid annuity calculated to the date of the redemption.

Magistrates may apply funds of city towards redemption, and borrow not exceeding 56,500*l.*

3. The said magistrates and council shall be entitled and are hereby authorized to take out of the estate and revenues of the city of Edinburgh under their administration, and apply towards the redemption of the said bond, such sum as they shall judge proper and expedient; and they are hereby empowered to borrow on the security of said estate and revenues any sum not exceeding the said sum of fifty-six thousand five hundred pounds which they shall find necessary for the purpose of redeeming the said bond, and to pay the interest thereof, and from time to time as shall be proper and expedient in course of a due administration, to pay off the capital out of said estate and revenues; and it shall be lawful for them to grant all proper deeds of obligation and security for the money so borrowed; and it is declared that the estate and revenues in this clause referred to include the whole property and funds referred to in clause nine of the said Act of twenty-third and twenty-fourth Victoria, chapter fifty, and also the assessments by that Act and this Act authorised to be levied.

Nothing in this Act to affect the rights of the city creditors, and, except as provided, respecting the seat rents.

4. Nothing in this Act contained shall alter or affect the rights of the creditors of the city of Edinburgh, as secured by the Acts first and second Victoria, chapter fifty-five, seventh Victoria, chapter twenty, and thirty-first and thirty-second Victoria, chapter forty-two, and the securities for the sums to be borrowed in virtue of this Act are hereby declared to be postponed to the rights in security created by the said Acts, in so far as relates to the property thereby disponed or assigned for the security of the said creditors of the city, and the rights of the said creditors in relation thereto; nor shall any of the provisions of this Act affect the rights of any persons holding rights or securities over the special subjects or property

acquired under the provisions of the Act tenth and eleventh Victoria, chapter forty-eight, or of the Act thirteenth and fourteenth Victoria, chapter seventy; and nothing in this Act contained shall authorise the creditors under this Act to interfere in any way with the administration of the property, funds, revenues, or income hereby assigned in security of the mortgages or cash credit bonds to be granted in virtue of this Act, so long as the interest and annual instalments of principal shall continue to be regularly paid.

Mortgages how to be executed.

5. All deeds of security to be granted under the provisions of this Act may be executed by the Lord Provost and the City Treasurer, as representing the said magistrates and council, and a deed of mortgage, in the form contained in the Schedule (A.) hereto annexed, or in a similar form, shall be a valid and effectual obligation and security for money borrowed under the provisions of this Act, and every such mortgage may be transferred by indorsation in the form contained in the said Schedule, or in a similar form.

Money may be raised on cash credit.

6. It shall be lawful for the magistrates and council to accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the magistrates and council according to the usage of bankers in Scotland, to the extent of the sum which the magistrates and council are by this Act authorised to borrow, and to make and grant mortgages and assignations of the property, income, and revenue of the city before specified, and the rates to be levied by them under the provisions hereof, in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account, with interest thereon; which mortgages and assignations may be in the form contained in Schedule (B.) to this Act annexed, or in a similar form: Provided always, that the whole sum due and owing by the magistrates and council on such cash account, and for money borrowed by them on bonds or mortgages as aforesaid, shall not, when taken together, exceed the sum of fifty-six thousand five hundred pounds by this Act authorized to be borrowed.

Power of levying increased assessments to continue for 10 years, and an account to be kept.

7. The power of levying increased assessments conferred on the said magistrates and council by section eleven of the said Act of twenty-third and twenty-fourth Victoria, chapter fifty, shall, so far as now subsisting, but no farther, continue until the expiry of ten years after the said bond shall be redeemed and discharged, and shall then cease, and the said magistrates and council shall be bound to levy and collect the said increased assessments until the said bond shall be redeemed and discharged and for ten years there-

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after: Provided always, that after the passing of this Act an account shall be kept, and annually published by the said magistrates and council, of the produce of said increased assessments, and the said publication shall be made at the same time and in the same manner as the account of the municipal expenditure of the city, and that after the redemption and discharge of the said bond of annuity, the whole of said produce shall be used and applied to the purpose of paying off and extinguishing the debt incurred by borrowing money under the provisions of this Act, and the interest of said debt, and to no other purpose.

Tax in parish of Canongate to be imposed for ten years after redemption of bond.

8. The tax imposed in the parish of Canongate under section four of the Act thirtieth and thirty-first Victoria, chapter one hundred and seven, shall continue to be imposed until the expiry of ten years after the said bond shall be redeemed and discharged, and shall then cease to be imposed; and from and after such redemption and discharge the said tax shall be levied and collected by the magistrates and council of Edinburgh, and shall be used and applied by them in the manner herein-before provided with respect to the produce of increased assessments after such redemption and discharge.

After which stipend to be paid by Ecclesiastical Commissioners.

9. From and after the redemption and discharge of said bond of annuity the stipend of the minister of the parish of Canongate shall be paid by the Edinburgh Ecclesiastical Commissioners out of the funds in their hands, under the said Act twenty-third and twenty-fourth Victoria, chapter fifty, and thirtieth and thirty-first Victoria, chapter one hundred and seven, and this Act.

Appropriation of church-door collections.

10. From and after the redemption and discharge of said bond one half of the ordinary church-door collections of the churches the ministers whereof are paid by the Edinburgh Ecclesiastical Commissioners shall be paid to the said commissioners by the Kirk sessions of said churches respectively, and shall be applicable to the payment of precentors, beadles, and doorkeepers, and to defraying the expense of celebrating communion, and heating and lighting the churches; and should any balance remain, the same may be applied, in the discretion of the said commissioners, to any ecclesiastical purpose within their charge.

Annual payment from revenues of Leith Docks to be redeemed.

11. Whereas by the Act first and second Victoria, chapter fifty-five, the Commissioners for the harbour and docks of Leith (herein-after called the Leith Dock Commissioners) are directed to pay annually out of the revenues of the harbour and docks of Leith into an account therein specified, in preference to all other payments, the sum of seven thousand six hundred and eighty

pounds, and out of that sum the Remembrancer and Auditor of the Court of Exchequer in Scotland is directed to pay the sum of two thousand pounds annually to and for behoof of the ministers of the city of Edinburgh, to any person duly authorized by them to receive the same, which sum of two thousand pounds is by the Public Act, twenty-third and twenty-fourth Victoria, chapter fifty, directed to be annually paid to the Edinburgh Ecclesiastical Commissioners: And whereas it is expedient that the said annual sum of two thousand pounds now payable by the Leith Dock Commissioners, being part of the said annual sum of seven thousand six hundred and eighty pounds, should be redeemed on payment to the said Ecclesiastical Commissioners of a capital sum of forty thousand pounds: Therefore, the Leith Dock Commissioners shall, on the fifteenth day of May one thousand eight hundred and seventy-one, pay to the said Ecclesiastical Commissioners the sum of forty thousand pounds, in redemption of the said annual sum of two thousand pounds, with interest of the said sum of forty thousand pounds at the rate of five pounds per centum per annum from the date of payment till paid; and on payment of the said sum of forty thousand pounds, and any interest which may become due thereon, the said Ecclesiastical Commissioners shall grant a discharge thereof and of the said annual sum of two thousand pounds, and the said annual sum of seven thousand six hundred and eighty pounds payable out of the revenues of the said harbour and docks shall be reduced and restricted to five thousand six hundred and eighty pounds per annum, and the said annual sum of two thousand pounds shall cease to be payable by the said Remembrancer and Auditor of the Court of Exchequer to the said Ecclesiastical Commissioners.

Power to Leith Dock Commissioners to borrow money.

12. For the purpose of raising the said redemption money it shall be lawful for the Leith Dock Commissioners, in addition to any money borowed or authorised to be borrowed by them before the passing of this Act, to borrow any sums of money not exceeding forty thousand pounds, and in security of the payment of the sums so borrowed and the interest thereon, to make and grant mortgages and assignations of the said harbour and docks, and the works and property vested in or acquired or to be acquired or constructed by the Leith Dock Commissioners, and the rates and duties to be levied by them under the authority of the Acts relating to the said harbour and docks, or any of them, or to accept and take from any bank credit on a cash account to be opened and kept with such bank in the name of the Leith Dock Commissioners, according to the usage of bankers in Scotland, or in such other form as may be

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preferred by such bank, to the extent of the said sum of forty thousand pounds or any part thereof, and, if required, to make and grant mortgages and assignations of the said harbour and docks and the said works, and property and rates and duties, in security of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon; and if after having borrowed the said sum, or any part thereof, the Leith Dock Commissioners pay off the same otherwise than by means of any sinking fund, it shall be lawful for them again to borrow the amount so paid off, and so from time to time; and the mortgages and assignations to be made and granted by the Leith Dock Commissioners may be in writing or printed, or partly in writing and partly printed, and shall be sealed with their common seal, and signed at and in presence of a meeting of the Leith Dock Commissioners, in the manner prescribed by the Public Act, seventh Victoria, chapter twenty.

Incorporation of clauses of 10 & 11 Vict. c. 16.

13. The clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the commissioners, with the exception of section eighty-four, are hereby incorporated with this Act, and shall be applicable to the money to be borrowed and the mortgages and assignations to be granted by the Leith Dock Commissioners under the authority of this Act.

Priority of money borrowed by Leith Dock Commissioners.

14. The said sum of forty thousand pounds, and the mortgages and assignations or other securities to be granted therefor, and the interest payable thereon, shall be and are hereby constituted preferable burdens on the said harbour and docks and the said works and property and rates and duties, and shall have priority over all other mortgages, assignations and securities granted or to be granted by the Leith Dock Commissioners for money borrowed or to be borrowed by them, and over all other payments out of the revenues of the said harbour and docks, except the sum of three thousand one hundred and eighty pounds payable annually to the creditors of the city of Edinburgh in terms of the said Act first and second Victoria, chapter fifty-five, being part of the said annual sum of seven thousand six hundred and eighty pounds, and which annual sum of three thousand one hundred and eighty pounds shall rank pari passu with the said sum of forty thousand pounds and the interest thereon.

Application of money borrowed by Leith Dock Commissioners.

15. The money borrowed by the Leith Dock Commissioners under the authority of this Act shall be applied in paying the said sum of forty thousand pounds, and in redeeming the said annual sum of two thousand pounds and to no other purpose whatever.

Presentations to certain churches to cease.

16. It shall not be competent to the Ecclesiastical Commissioners, or to any patron or patrons, or to any presbytery, to nominate or present a minister to any of the five churches or charges specified in section twenty-one of the said Act twenty-third and twenty-fourth Victoria, chapter fifty, and the said churches and charges shall not be provided with ministers or otherwise maintained as churches and charges endowed by law: Provided always, that it shall be competent to the said Commissioners, by a minute under their corporate seal, to annex for all parochial purposes such portions of such of the parishes attached to the said five churches or charges as may be specified in such minute to any of the other parishes in the said city, and it shall be lawful for said Commissioners to raise to six hundred pounds the stipend of each minister of the city of Edinburgh who is now entitled to a stipend of five hundred and fifty pounds only.

Patronage of other churches transferred to Ecclesiastical Commissioners.

17. The patronage of the parish churches of the city of Edinburgh is hereby transferred to and vested in the Edinburgh Ecclesiastical Commissioners as trustees for the respective congregations of said churches, and the said Commissioners shall on the occurrence of each vacancy exercise the said patronage by issuing a presentation in accordance with the desire of the congregation of the vacant church as expressed by a majority of the male communicants thereof, whose names have been on the communion roll for not less than one year immediately preceding the vacancy; and the said Commissioners shall be at liberty from time to time to make regulations with respect to the mode of taking the votes of such communicants.

Application of money by Ecclesiastical Commissioners.

18. The said Ecclesiastical Commissioners shall be entitled and bound to invest the whole money which shall be paid to them under this Act on such securities as they shall consider proper, or in the purchase of land, and shall be entitled and bound to use and apply the interest, rents, and proceeds thereof for the purposes specified in the said Act twenty-third and twenty-fourth Victoria, chapter fifty, and this Act.

Power to increase stipends of whole ministers.

19. It shall be in the power of the Commissioners to increase the stipends of the whole ministers falling under the operation of this Act rateably according to the amount presently payable to each, and that by minute under their corporate seal; provided always, that over and above or instead of any rateable increase which may be awarded to the ministers of the Old and New Canongate churches, the Commissioners may, if they think fit, pay to them any surplus of the pew or seat rents of such churches, as specified in the ninth

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section of the Act of thirtieth and thirty-first Victoria, chapter one hundred and seven.

Application of the proceeds of the Makcall mortification.

20. The annual produce of the mortification of David Makcall, mentioned in section six of the Act of thirtieth and thirty-first Victoria, chapter one hundred and seven, shall hereafter be paid by the magistrates and town council to the Edinburgh Ecclesiastical Commissioners, and shall be applied by them as a part of the income under their management.

Commissioners may sell or let New Street Church.

21. The Commissioners may, if they think fit, sell and dispose of, or let or lease, the church situate within the new parish of Canongate, sometime called New Street Church, and the price or rents, as the case may be, to be received by the Commissioners shall be held and applied by them as herein-after directed.

Commissioners may alter boundaries of city parishes.

22. The Commissioners may within three years of the passing of this Act, by a minute under their corporate seal, with the consent of the Presbytery of Edinburgh, (such consent to be signified on the said minute, under the hand of the clerk of the Presbytery,) to be published in the Edinburgh Gazette, unite, disjoin, or change the boundaries of any of the parishes of the city of Edinburgh, and of the parishes of Old and New Canongate, as respects the administration of public worship, pastoral superintendence, and every other matter or duty in connexion with the parochial arrangements of the said parishes: Provided always, that no such union disjunction or change of boundaries shall take effect or come into operation unless and until the sanction of the Court of Session shall be obtained thereto, by petition to one of the divisions thereof, at the instance of the said Commissioners.

Application of funds of Ecclesiastical Commissioners.

23. The Commissioners shall be bound to keep accounts of their receipts and expenditure, under the Acts of twenty-third and twenty-fourth Victoria, chapter fifty, and the Act of thirtieth and thirty-first Victoria, chapter one hundred and seven, and this Act, and to apply the property and income to be received by them according to the following provisions; that is to say,—

1. They shall keep two separate and distinct accounts, one to be called (and herein-after referred to as) "The Stipend Fund Account," and another to be called (and herein-after referred to as) "The General Purposes Fund Account."
2. The interest and annual proceeds of the redemption moneys mentioned in sections one and eleven of this Act when paid, and until paid the present annual payments of four thousand two hundred pounds and two thousand pounds respectively, together with the proceeds of the said rents to the extent of two thousand pounds in the event of the redemption moneys

or either of them, not being paid, and on their payment to the extent of four thousand two hundred pounds, shall be applicable solely for the purpose of and be paid to the credit of the "Stipend Fund Income Account."

3. The balance, if any, of the seat rents, beyond the sum of four thousand two hundred pounds, and all other funds payable to and revenues received by the Commissioners, shall be exclusively applicable to and be paid to the credit of "The General Purposes Fund."

4. Out of the Stipend Fund Account the Commissioners shall make payment, in two equal portions, at the terms of Candlemas and Whitsunday, one thousand eight hundred and seventy- , and annually thereafter, to each of the ministers for the time being of the parochial churches of the said city after mentioned, or to any person duly authorized to receive the same on behalf of the said ministers, a stipend or salary of six hundred pounds per annum; that is to say, to the ministers of the thirteen following churches, namely, the New North Church, Trinity College Church, Lady Yester's Church, Old Greyfriars' Church, New Greyfriars' Church, St. John's Church, St. George's Church, St. Mary's Church, St. Stephen's Church, Greenside Church, The High Church, The Tron Church, and St. Andrew's Church, provided that the portion of the said salaries or stipends to be paid at the term of Candlemas shall be for the period from Whitsunday to Michaelmas preceding, and the portion to be paid at the term of Whitsunday shall be for the period from Michaelmas to Whitsunday, and shall be subject to the whole conditions applicable by law to the stipends or salaries formerly payable to the ministers of Edinburgh from the produce of the impost or tax formerly levied under the name of the annuity tax within the ancient and extended royalties of the city of Edinburgh, as referred to in the second section of the Act of twenty-third and twenty-fourth Victoria, chapter fifty; provided always, that the ministers of the following churches, viz., the Trinity College Church, the Tron Church, Old Greyfriars' Church, and St. Stephen's Church, shall not be entitled to demand a salary or stipend of more than five hundred and fifty pounds per annum until the events herein-after specified; and also provided that, upon the death or removal of any of the present

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ministers of the nine remaining churches, the successor or successors of such minister or ministers shall not be entitled to demand a salary or stipend of more than five hundred and fifty pounds per annum, until the events after specified. Further, the Commissioners, while the bond of annuity and payment from Exchequer remains unredeemed, shall pay to the minister of the Canongate Church the sums of money specified under the ninth section of the Act thirtieth and thirty-first Victoria, chapter one hundred and seven, and also to the minister of the New Canongate Church the sums specified in said section; provided always, that after the said bond and payment have been redeemed, the ministers of the said Canongate Churches shall not be entitled to demand more than two hundred and fifty pounds and one hundred and fifty pounds respectively, until the events after specified; and if the Stipend Fund Account shall not be sufficient to pay in any year the said stipends, the Commissioners shall be authorised, as often as any deficiency arises, to raise and apply such portion of the capital as may be necessary to meet such payments; and after the payment of such stipends, and also after repaying any such sum as may have been contributed out of the capital to meet deficiencies, the Commissioners shall, at their option, and according to their discretion, apply the balance, if any, of the Stipend Fund Account for any of the other purposes authorised by the Acts of twenty-three and twenty-four Victoria, chapter fifty, and thirty and thirty-one Victoria, chapter one hundred and seven, and this Act, except those hereby specially charged on the "General Purposes Fund."

5. The Commissioners shall hold the General Purposes Fund Account for the purposes following, that is to say,—

(First.) The costs, charges, and expenses properly incurred by the Commissioners, and in payment of the salaries of all officers and servants properly employed by them in carrying the provisions of this and the recited Acts into effect; and in insuring the several churches against loss by fire, to such extent as they shall think necessary; and of the proportion of the salaries of the clerk of the Synod of Lothian and Tweeddale, and the clerk and officer of the Presbytery of Edinburgh, payable for the said churches, or any of them.

(Second.) So far as the Commissioners may consider necessary, and in the event of the kirk sessions, or any of them, not being able to pay the same out of the church door collections or otherwise, the whole or any part of the expenses of the celebration of Divine ordinances in the respective churches, and in the maintenance and repair of the fabrics of the said churches.

And with regard to Montrose, be it enacted as follows:

Town council shall pay over a sum of 1,500*l.* to kirk session.

24. At or before the first term of Whitsunday following the vacancy in the second charge of the church and parish of Montrose, first occurring after the passing of this Act, the provost, magistrates, and town council of the said burgh shall pay from the first and readiest of the corporate funds of the said burgh to the kirk session of the said church and parish the sum of one thousand five hundred pounds, and shall within two months of the passing of this Act execute and deliver to the treasurer of the said kirk session for their behoof, a bond therefor in the terms contained in Schedule (C.) annexed to this Act, and shall likewise execute and deliver to the said kirk session a valid transfer in their favour of the whole pews or seats in said church now belonging to the said provost, magistrates, and town council, with entry thereto at the first term of Whitsunday following said vacancy, and the annual interest of the said sum of one thousand five hundred pounds and the annual rents of said pews or seats shall be paid by the said kirk session to the succeeding minister of the said second charge and his successors in office by equal portions at the terms of Martinmas and Whitsunday respectively.

Kirk session to pay a sum of 70*l.* per annum to minister of second charge out of rents, church, seats, &c.

25. From and after the first term of Whitsunday or of Martinmas following the vacancy in the second charge out of the first and readiest of the whole rents of lands and church seats, feu duties, ground annuals, and interest of moneys now belonging to or administered by the said kirk session, their treasurer or others on their behalf, the said kirk session, treasurer, and others, shall pay to the succeeding minister of the said second charge and his successors in office an annual sum of seventy pounds by equal portions at the terms of Martinmas and Whitsunday respectively, which annual sum shall be a real and preferable first charge and burden in favour of the said second minister and his successors in office upon the said lands, feu duties, ground annuals, and interests aforesaid, and upon the gross rents and revenues arising therefrom, after deduction only

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from such gross rents and revenues of the minister's stipend the public and local burdens and taxes and the expenses of repairs of buildings belonging to the said kirk session upon said lands.

Kirk session to pay 60*l.* per annum out of church-door collections.

26. From and after the said term of Whitsunday or Martinmas following the vacancy in the said second charge the said kirk session shall, out of the first and readiest of the ordinary church-door collections, pay, by equal portions at the terms of Martinmas and Whitsunday respectively, to the succeeding minister and his successors in office an annual sum of not less than sixty pounds, which annual sum shall be the first charge upon the said collections, and the remainder, if any, of such collections shall belong to and be applied by the said kirk session for the payment of precentors, beadles, doorkeepers and other officers of the said church and kirk session, and for such other purposes connected with the said church and parish as the said kirk session shall think fit.

Kirk session may levy assessments on pews and seats.

27. From and after the first term of Whitsunday or Martinmas following the vacancy in the second charge of the church and parish of Montrose first occurring after the passing of this Act, it shall be lawful for the kirk session of the said church and parish, and they are hereby required, to impose and levy pew or seat rents or assessments on not more than nine tenths of the pews or seats in the said church, at such rate as shall, in addition to the aforesaid annual interest of the said sum of one thousand five hundred pounds, the annual rents of the said pews or seats to be transferred as aforesaid, the said sum of seventy pounds, and the said sum of not less than sixty pounds, together with any stipend or salary which may arise from the interest of any endowment hereafter made for the minister of the second charge, or which may be provided for him by means of special church door collections yield an annual sum sufficient to provide for such minister and his successors in office a stipend not exceeding the sum of three hundred and forty pounds.

Forfeiture of seats in default of payment.

28. The said pew or seat rents or assessments so imposed and levied shall be exigible from and payable by the proprietors of said pews or seats, and that annually and in advance, from and after the first term of Whitsunday or Martinmas following said vacancy, and in the event of two years pew or seat rents or assessments so imposed being due by any proprietor at one time, such proprietor (or the person acting for him in uplifting the said seat rents), shall, upon receiving two months written notice to that effect ipso facto, forfeit and lose all right and title to the said pews or seats, and the

same shall thenceforth become the property of the said kirk session and be used or let by them, and shall be subject to the same rent or assessment in favour of the second minister as if the same had remained the property of the original proprietor: Provided always, that such proprietor or his successors shall be entitled to redeem the same at any time thereafter upon payment to the kirk session of all arrears of rents or assessments and interest arising thereon at the rate of five pounds per cent. per annum, but without any claim against the said kirk session for any rents which may have been uplifted therefrom during the possession of the said kirk session.

Kirk session to fix the amount of stipend for clergyman of second charge.

29. Power is hereby given to the kirk session (or a majority thereof), with the sanction of the presbytery of Brechin (or a majority thereof), previous to the appointment of any clergyman to any vacancy in the said second charge to fix the amount of stipend to be paid to such clergyman, and raised in manner aforesaid, provided that such shall not exceed the foresaid sum of three hundred and forty pounds.

Sections of the Act 23 & 24 Vict. c. 50. and of the Act 30 & 31 Vict. c. 107. repealed.

30. Sections six, seven, sixteen, eighteen, twenty-four, twenty-nine, and thirty of the Act twenty-third and twenty-fourth Victoria, chapter fifty, and sections six, seven, and ten of the Act thirtieth and thirty-first Victoria, chapter one hundred and seven, are hereby repealed; and all laws, statutes, and usages, in so far as the same are at variance with the provisions contained in sections twenty-six and twenty-seven of this Act, are hereby repealed; provided always, that the same shall continue in force in all other respects.

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SCHEDULE (A.)

Form of Mortgage.

Mortgage . . . . . No. . . . . £

By virtue of an Act passed in the thirty-third year of the reign of Her Majesty Queen Victoria, intituled [*here insert the title of this Act*], we, the Lord Provost, magistrates, and council of the city of Edinburgh, for ourselves, and as representing the community of the said city, in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to the city treasurer for the purposes of the said Act, do hereby, subject to the rights of the creditors and others of the said Act reserved, grant and assign the whole estate and revenues of the city of Edinburgh under our administration and referred to in clause three of the said Act, to hold to the said mortgagee and his foresaids until the said principal sum and interest thereon from the date hereof till paid shall be fully paid and satisfied.

Dated this . . . . . day of . . . . . one thousand eight hundred and .

[*To be signed by the Lord Provost and the city treasurer, and to have the corporate seal attached.*]

Form of Transfer to be endorsed.

I, *A.B.*, within designed [*or* I, *A.B.*, *executor-dative or otherwise, as the case may be, of the said within designed*] do transfer this mortgage, with all right, title, and interest which I have under the same, to *E.F.*, [*as his, her, or their, as may be*] executors, administrators, and assignees. In witness whereof [*insert testing clause according to the law of Scotland. If executed furth of Scotland, the form of execution and attestation used in England may be adopted.*]

SCHEDULE (B.)

Form of Mortgage for Cash Credit.

By virtue of an Act passed in the thirty-third year of the reign of Her Majesty Queen Victoria, intituled [*here insert the title of this Act*], we, the Lord Provost, magistrates, and council of the city of Edinburgh, for ourselves, and as representing the community of the said city, in consideration of our having obtained from [*name of the bank*] a credit or cash account to be operated upon by the city treasurer, for the purposes of the said Act, either by cheques or drafts under his hand, or by debiting the said account under his direction with obligations due and payable by us or under our authority, do hereby grant and assign to the said [*name of bank*] and their assignees the whole estate and revenues of the city of Edinburgh under our administration and referred to in clause three of the said Act, and that in security and for payment of the amount of the said credit, or otherwise, of the sums advanced from time to time on the said cash account, with interest thereon, at the rates chargeable by the said bank on cash credit accounts for the time, to hold to the said bank and their foresaids, until the said principal sum of credit, or such part thereof as may be advanced from time to time as aforesaid, and interest thereon at the rate foresaid, shall be fully satisfied and paid.

[*To be executed as provided in regard to mortgages.*]

SCHEDULE (C.)

By virtue of an Act passed in the thirty-third year of the reign of Her Majesty Queen Victoria, intituled [*here insert the title of this Act*], we, Robert Barclay, Esquire, Provost of the Burgh of Montrose, and Messieurs David Mitchell, Charles Low, and David Lackie Bailies, and David Keith Middleton, treasurer thereof, and the remanent members of the council of the said burgh of Montrose, as representing the community of the said burgh, bind and oblige ourselves and our successors in office in terms of the said Act to pay to Charles Dunbar, merchant in Montrose, treasurer to the Kirk Session of the church and parish of Montrose, and his successors in that office, for behoof of the said Kirk Session for the purposes expressed or referred to in section two of the said Act, or to his or

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their assignee, sat the first term of Whitsunday following the vacancy in the second charge of the said church and parish of Montrose first occurring after the passing of the said Act, the principal sum of one thousand five hundred pounds sterling, with a fifth part more of the foresaid principal sum of liquidate penalty in case of failure, and the interest of the said principal sum at the rate of five pounds per centum per annum during the not payment thereof: And we consent to the registration hereof in the books of council and session or others competent therein to remain for preservation, and, if necessary, that letters of horning on six days charge, and all other legal execution may pass upon a decree to be interponed hereto in form as effeirs, and for that purpose we constitute our procurators, &c.

In witness whereof.

Annuity Tax Abolition (Edinburgh and Montrose, &c.) Act (1860) Amendment.

A

B I L L

[As amended in committee]

To amend the Act twenty-third and twenty-fourth Victoria, chapter fifty, intituled "An Act to abolish the "Annuity Tax in Edinburgh and "Montrose, and to make provision "in regard to the Stipends of the "Ministers in that City and Burgh, "and also to make provision for the "Patronage of the Church of North "Leith;" and to make provision for the abolition of the Annuity Tax within the parish of Canongate, and for the payment of the Minister of said parish.

(*Prepared and brought in by The Lord Advocate, Mr. Secretary Bruce, and Mr. Adam.*)

Ordered, by The House of Commons, *to be Printed,* 13 *June* 1870.

[Bill 162.] *Under 2 oz.*

A

B I L L

[AS AMENDED IN COMMITTEE (ON RE-COMMITMENT)]

TO

Amend the Act twenty-third and twenty-fourth Victoria, chapter fifty, intituled "An Act to abolish the Annuity "Tax in Edinburgh and Montrose, and to make provision "in regard to the Stipends of the Ministers in that City "and Burgh, and also to make provision for the Patronage "of the Church of North Leith;" and to make provision for the abolition of the Annuity Tax within the Parish of Canongate, and for the payment of the Minister of said Parish. A.D. 1870.

WHEREAS it is expedient to amend the Act of the twenty-third and twenty-fourth Victoria, chapter fifty, intituled "An Act to abolish the Annuity Tax in Edinburgh and Montrose, "and to make provision in regard to the stipends of the ministers in "that city and burgh, and also to make provision for the patronage "of the church of North Leith;" to enable the magistrates and council of Edinburgh to redeem the bond of annuity granted by them in virtue of said Act to the Edinburgh Ecclesiastical Commissioners; to abolish the annuity tax within the parish of Canongate; and to make further provisions regarding the management and patronage of the parish churches of Edinburgh, and the payment of the ministers thereof and of the Canongate:

And whereas it is also expedient to repeal certain of the provisions of the said Act applicable to Montrose, and to substitute other provisions in lieu thereof:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The bond of annuity for four thousand two hundred pounds granted in virtue of the said Act twenty-third and twenty-fourth Victoria, chapter fifty, by the magistrates and council of Edinburgh Bond of annuity redeemable.

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to the Edinburgh Ecclesiastical Commissioners, shall be redeemable on payment, as herein-after provided, by the said magistrates and council to the said commissioners of the sum of fifty-six thousand five hundred pounds.

On redemption existing securities to be deemed discharged.

2. The said redemption may be made at the term of Martinmas one thousand eight hundred and seventy, or at any subsequent term of Whitsunday or Martinmas, upon three months previous notice in writing to the said commissioners; and on payment of the said sum of fifty-six thousand five hundred pounds being completely made, and receipt therefor being recorded in the register in which the said bond is recorded, the said bond and the existing securities therefor shall by virtue of this Act be deemed to be validly discharged, subject to the claim of the said commissioners for the amount of the annuity due at the term of redemption, if such redemption take place at the term of Whitsunday, or if the redemption take place at the term of Martinmas, for the half-year's annuity due at Candlemas then next ensuing.

Magistrates may apply funds of city towards redemption, and borrow not exceeding 56,500*l.*

3. The said magistrates and council shall be entitled and are hereby authorised to take out of the estate and revenues of the city of Edinburgh under their administration, and apply towards the redemption of the said bond, such sum as they shall judge proper and expedient; and they are hereby empowered to borrow on the security of said estate and revenues any sum not exceeding the said sum of fifty-six thousand five hundred pounds which they shall find necessary for the purpose of redeeming the said bond, and to pay the interest thereof, and from time to time as shall be proper and expedient in course of a due administration, to pay off the capital out of said estate and revenues; and it shall be lawful for them to grant all proper deeds of obligation and security for the money so borrowed; and it is declared that the estate and revenues in this clause referred to include the whole property and funds referred to in clause nine of the said Act of twenty-third and twenty-fourth Victoria, chapter fifty, and also the assessments by that Act and this Act authorised to be levied.

Nothing in this Act to affect the rights of the city creditors.

4. Nothing in this Act contained shall alter or affect the rights of the creditors of the city of Edinburgh, as secured by the Acts first and second Victoria, chapter fifty-five, seventh Victoria, chapter twenty, and thirty-first and thirty-second Victoria, chapter forty-two, and the securities for the sums to be borrowed in virtue of this Act are hereby declared to be postponed to the rights in security created by the said Acts, in so far as relates to the property thereby

disponed or assigned for the security of the said creditors of the city, and the rights of the said creditors in relation thereto; nor shall any of the provisions of this Act affect the rights of any persons holding rights or securities over the special subjects or property acquired under the provisions of the Act tenth and eleventh Victoria, chapter forty-eight, or of the Act thirteenth and fourteenth Victoria, chapter seventy; and nothing in this Act contained shall authorise the creditors under this Act to interfere in any way with the administration of the property, funds, revenues, or income hereby assigned in security of the mortgages or cash credit bonds to be granted in virtue of this Act, so long as the interest and annual instalments of principal shall continue to be regularly paid.

Mortgages how to be executed.

5. All deeds of security to be granted under the provisions of this Act may be executed by the Lord Provost and the City Treasurer, as representing the said magistrates and council, and a deed of mortgage, in the form contained in the Schedule (A.) hereto annexed, or in a similar form, shall be a valid and effectual obligation and security for money borrowed under the provisions of this Act, and every such mortgage may be transferred by indorsation in the form contained in the said Schedule, or in a similar form.

Money may be raised on cash credit.

6. It shall be lawful for the magistrates and council to accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the magistrates and council according to the usage of bankers in Scotland, to the extent of the sum which the magistrates and council are by this Act authorised to borrow, and to make and grant mortgages and assignations of the property, income, and revenue of the city before specified, and the rates to be levied by them under the provisions hereof, in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account, with interest thereon; which mortgages and assignations may be in the form contained in Schedule (B.) to this Act annexed, or in a similar form: Provided always, that the whole sum due and owing by the magistrates and council on such cash account, and for money borrowed by them on bonds or mortgages as aforesaid, shall not, when taken together, exceed the sum of fifty-six thousand five hundred pounds by this Act authorised to be borrowed.

Power to borrow money from the Loan

7. In case notice shall be given by the said magistrates and council to the said Ecclesiastical Commissioners to redeem the said bond of annuity at the term of Martinmas one thousand eight

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Commissioners.

hundred and seventy, or at the term of Whitsunday one thousand eight hundred and seventy-one, it shall be lawful for the said magistrates and council, at or prior to the said term of Martinmas one thousand eight hundred and seventy, or the said term of Whitsunday one thousand eight hundred and seventy-one, but not thereafter, in place of raising money in the above manner, to borrow on mortgage from the Public Works Loan Commissioners, and for the said Commissioners, out of funds at their disposal under this Act, to lend and advance to the said magistrates and council, under the direction and with the consent of the Commissioners of Her Majesty's Treasury, for the purposes of this Act, a sum not exceeding in the whole the sum of fifty-six thousand five hundred pounds, on such security as may be satisfactory to the said Public Works Loan Commissioners; the said sum of fifty-six thousand five hundred pounds to be repaid by half-yearly instalments within a period of ten years from the date of the advance, together with interest at the rate of three and a half per centum per annum on such part of the said sum of fifty-six thousand five hundred pounds as may from time to time remain due and unpaid.

Commissioners of Treasury may issue money for loan.

8. For the purposes of the above loan by this Act authorised, the Commissioners of Her Majesty's Treasury may from time to time, by warrant under the hands of two or more of them, cause to be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, to the account of the Commisioners for the Reduction of the National Debt, any sum or sums of money not exceeding in the whole the sum of fifty-six thousand five hundred pounds, such money to be applied exclusively under this Act, and be at the disposal of the Public Works Loan Commissioners in like manner in all respects as money placed at their disposal under the Act of the session of the twenty-ninth and thirtieth years of Her Majesty, chapter seventy-two, and the Acts therein recited, subject nevertheless to the provisions of this Act, which provisions shall have full effect, notwithstanding anything in "The Public Works Loan Act, 1853," or any Act therein mentioned, to the contrary contained.

Extension of powers, &c. to this Act.

9. All the clauses powers, authorities, provisoes, enactments, directions, regulations, restrictions, privileges, priorities, advantages, penalties, and forfeitures contained in and conferred and imposed by the said Acts or any of them, so far as the same may be made applicable and are not varied by this Act, shall be taken to extend to this Act and to everything to be done in pursuance of this Act, as if the same were herein repeated and set forth.

Power of levying increased assessments to continue until bond is redeemed and debt paid off.

10. The power of levying increased assessments conferred on the said magistrates and council by section eleven of the said Act of twenty-third and twenty-fourth Victoria, chapter fifty, shall, so far as now subsisting, but no farther, continue until the said bond shall be redeemed and discharged, and until the whole debt incurred by borrowing money under the authority of this Act shall be paid off, and shall then cease; and after the redemption and discharge of the said bond the said magistrates and council shall be bound to levy and collect the said increased assessments until the whole debt incurred by borrowing money under the authority of this Act shall be paid off: Provided always, that after the passing of this Act an account shall be kept, and annually published by the said magistrates and council, of the produce of said increased assessments, and the said publication shall be made at the same time and in the same manner as the account of the municipal expenditure of the city, and that after the redemption and discharge of the said bond of annuity, the whole of said produce shall be used and applied to the purpose of paying off and extinguishing the debt incurred by borrowing money under the provisions of this Act, and the interest of said debt, and to no other purpose.

Tax in parish of Canongate to be imposed until bond is redeemed and debt paid off.

11. The tax imposed in the parish of Canongate under section four of the Act thirtieth and thirty-first Victoria, chapter one hundred and seven, shall continue to be imposed until the said bond shall be redeemed and discharged, and until the whole debt incurred by borrowing money under the authority of this Act shall be paid off, and shall then cease to be imposed; and from and after such redemption and discharge the said tax shall be levied, collected, and applied by the magistrates and council of Edinburgh, in the same manner as the said increased assessments.

After which stipend to be paid by Ecclesiastical Commissioners.

12. From and after the redemption and discharge of said bond of annuity the stipend of the minister of the parish of Canongate shall be paid by the Edinburgh Ecclesiastical Commissioners out of the funds in their hands, under the said Act twenty-third and twenty-fourth Victoria, chapter fifty, and thirtieth and thirty-first Victoria, chapter one hundred and seven, and this Act.

Appropriation of church-door collections.

13. From and after the redemption and discharge of said bond one half of the ordinary church-door collections of the churches the ministers whereof are paid by the Edinburgh Ecclesiastical Commissioners shall be paid to the said commissioners by the Kirk sessions of said churches respectively, and shall be applicable to the payment of precentors, beadles, and doorkeepers, and to defraying the expense of celebrating communion, and heating and lighting the churches;

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and should any balance remain, the same may be applied, in the discretion of the said commissioners, to any ecclesiastical purpose within their charge.

Annual payment from revenues of Leith Docks to be redeemed.

14. Whereas by the Act first and second Victoria, chapter fifty-five, the Commissioners for the harbour and docks of Leith (herein-after called the Leith Dock Commissioners) are directed to pay annually out of the revenues of the harbour and docks of Leith into an account therein specified, in preference to all other payments, the sum of seven thousand six hundred and eighty pounds, and out of that sum the Remembrancer and Auditor of the Court of Exchequer in Scotland is directed to pay the sum of two thousand pounds annually to and for behoof of the ministers of the city of Edinburgh, to any person duly authorized by them to receive the same, which sum of two thousand pounds is by the Public Act, twenty-third and twenty-fourth Victoria, chapter fifty, directed to be annually paid to the Edinburgh Ecclesiastical Commissioners: And whereas it is expedient that the said annual sum of two thousand pounds now payable by the Leith Dock Commissioners, being part of the said annual sum of seven thousand six hundred and eighty pounds, should be redeemed on payment to the said Ecclesiastical Commissioners of a capital sum of forty thousand pounds: Therefore, the Leith Dock Commissioners shall, on the fifteenth day of May one thousand eight hundred and seventy-one, pay to the said Ecclesiastical Commissioners the sum of forty thousand pounds, in redemption of the said annual sum of two thousand pounds, with interest of the said sum of forty thousand pounds at the rate of five pounds per centum per annum from the date of payment till paid; and on payment of the said sum of forty thousand pounds, and any interest which may become due thereon, the said Ecclesiastical Commissioners shall grant a discharge thereof and of the said annual sum of two thousand pounds, and the said annual sum of seven thousand six hundred and eighty pounds payable out of the revenues of the said harbour and docks shall be reduced and restricted to five thousand six hundred and eighty pounds per annum, and the said annual sum of two thousand pounds shall cease to be payable by the said Remembrancer and Auditor of the Court of Exchequer to the said Ecclesiastical Commissioners.

Power to Leith Dock Commissioners to

15. For the purpose of raising the said redemption money it shall be lawful for the Leith Dock Commissioners, in addition to any money borowed or authorised to be borrowed by them before the

passing of this Act, to borrow any sums of money not exceeding forty thousand pounds, and in security of the payment of the sums so borrowed and the interest thereon, to make and grant mortgages and assignations of the said harbour and docks, and the works and property vested in or acquired or to be acquired or constructed by the Leith Dock Commissioners, and the rates and duties to be levied by them under the authority of the Acts relating to the said harbour and docks, or any of them, or to accept and take from any bank credit on a cash account to be opened and kept with such bank in the name of the Leith Dock Commissioners, according to the usage of bankers in Scotland, or in such other form as may be preferred by such bank, to the extent of the said sum of forty thousand pounds or any part thereof, and, if required, to make and grant mortgages and assignations of the said harbour and docks and the said works, and property and rates and duties, in security of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon; and if after having borrowed the said sum, or any part thereof, the Leith Dock Commissioners pay off the same otherwise than by means of any sinking fund, it shall be lawful for them again to borrow the amount so paid off, and so from time to time; and the mortgages and assignations to be made and granted by the Leith Dock Commissioners may be in writing or printed, or partly in writing and partly printed, and shall be sealed with their common seal, and signed at and in presence of a meeting of the Leith Dock Commissioners, in the manner prescribed by the Public Act, seventh Victoria, chapter twenty.

borrow money.

16. The clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the commissioners, with the exception of section eighty-four, are hereby incorporated with this Act, and shall be applicable to the money to be borrowed and the mortgages and assignations to be granted by the Leith Dock Commissioners under the authority of this Act.

Incorporation of clauses of 10 & 11 Vict. c. 16.

17. The said sum of forty thousand pounds, and the mortgages and assignations or other securities to be granted therefor, and the interest payable thereon, shall be and are hereby constituted preferable burdens on the said harbour and docks and the said works and property and rates and duties, and shall have priority over all other mortgages, assignations and securities granted or to be granted by the Leith Dock Commissioners for money borrowed or to be borrowed by them, and over all other payments out of the revenues of the said harbour and docks, except the sum of three

Priority of money borrowed by Leith Dock Commissioners.

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thousand one hundred and eighty pounds payable annually to the creditors of the city of Edinburgh in terms of the said Act first and second Victoria, chapter fifty-five, being part of the said annual sum of seven thousand six hundred and eighty pounds, and which annual sum of three thousand one hundred and eighty pounds shall rank pari passu with the said sum of forty thousand pounds and the interest thereon.

Application of money borrowed by Leith Dock Commissioners.

18. The money borrowed by the Leith Dock Commissioners under the authority of this Act shall be applied in paying the said sum of forty thousand pounds, and in redeeming the said annual sum of two thousand pounds and to no other purpose whatever.

Presentations to certain churches to cease.

19. It shall not be competent to the Ecclesiastical Commissioners, or to any patron or patrons, or to any presbytery, to nominate or present a minister to any of the five churches or charges specified in section twenty-one of the said Act twenty-third and twenty-fourth Victoria, chapter fifty, or to the parish of New Canongate, and the said churches and charges, and the said parish of New Canongate, shall not be provided with ministers or otherwise maintained as churches and charges endowed by law: Provided always, that it shall be competent to the said Commissioners, by a minute under their corporate seal, to annex for all parochial purposes such portions of such of the parishes attached to the said five churches or charges, or of the said parish of New Canongate as may be specified in such minute to any of the other parishes in the said city or Canongate, and it shall be lawful for said Commissioners to raise to six hundred pounds the stipend of each minister of the city of Edinburgh who is now entitled to a stipend of five hundred and fifty pounds only.

Provided further, that nothing herein contained shall prevent the Tolbooth church, and the old church, or either of them being provided with a minister or ministers of the church of Scotland who shall be paid or endowed from voluntary sources; and in case a permanent endowment from voluntary sources shall be provided and secured to a minister or ministers for both or either of said churches, and provision made for maintaining the church or churches, all in such manner as to warrant the erection and constitution of a church and parish quoad sacra, according to the existing law the said Commissioners are hereby authorised and required to concur so far as may be necessary on their part in the proper proceedings, before the court of Commissioners of Teinds, in order to the erection and constitution of a church and parish quoad sacra with respect to both or either of said churches.

Patronage of other churches transferred to Ecclesiastical Commissioners.

20. The patronage of the parish churches of the city of Edinburgh is hereby transferred to and vested in the Edinburgh Ecclesiastical Commissioners as trustees for the respective congregations of said churches, and the said Commissioners shall on the occurrence of each vacancy exercise the said patronage by issuing a presentation in accordance with the desire of the congregation of the vacant church as expressed by a majority of the communicants thereof, whose names have been on the communion roll for not less than one year immediately preceding the vacancy; and the said Commissioners shall be at liberty from time to time to make regulations with respect to the mode of taking the votes of such communicants.

Application of money by Ecclesiastical Commissioners.

21. The said Ecclesiastical Commissioners shall be entitled and bound to invest the whole money which shall be paid to them under this Act on such securities as they shall consider proper, or in the purchase of land, and shall be entitled and bound to use and apply the interest, rents, and proceeds thereof for the purposes specified in the said Act twenty-third and twenty-fourth Victoria, chapter fifty, and this Act.

Power to increase stipends of whole ministers.

22. It shall be in the power of the Commissioners to increase the stipends of the whole ministers falling under the operation of this Act rateably according to the amount presently payable to each, and that by minute under their corporate seal.

Application of the proceeds of the Makcall mortification.

23. The annual produce of the mortification of David Makcall, mentioned in section six of the Act of thirtieth and thirty-first Victoria, chapter one hundred and seven, shall hereafter be paid by the magistrates and town council to the Edinburgh Ecclesiastical Commissioners, and together with the bishop's rents, kirkyard dues, and other sums, with the exception of sums contributed by the Endowment Committee of the church of Scotland, vested in the said Commissioners by section seven of the said Act, shall be appropriated by them solely to the use of the minister of the parish of Canongate.

Commissioners may sell or let New Street Church.

24. The Commissioners may, if they think fit, sell and dispose of, or let or lease, the church situate within the new parish of Canongate, sometime called New Street Church, and the price or rents, as the case may be, to be received by the Commissioners shall be held and applied by them as herein-after directed.

Application of funds of Ecclesias-

25. The Commissioners shall be bound to keep accounts of their receipts and expenditure, under the Acts of twenty-third and

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twenty-fourth Victoria, chapter fifty, and the Act of thirtieth and thirty-first Victoria, chapter one hundred and seven, and this Act, and to apply the property and income to be received by them according to the following provisions; that is to say,—

1. They shall keep two separate and distinct accounts, one to be called (and herein-after referred to as) "The Stipend Fund Account," and another to be called (and herein-after referred to as) "The General Purposes Fund Account."
2. Until the redemption moneys mentioned in sections one and eleven of this Act shall have been paid, the following sums shall be annually paid into an account to be called "The Stipend Fund Income Account:"
    1. The present annual payment of four thousand two hundred pounds, and two thousand pounds.
    2. The proceeds of the seat rents of the churches the stipends whereof are paid by the Commissioners to the extent of one thousand six hundred pounds.
    3. The sum payable to the said Ecclesiastical Commissioners in terms of the fourth section of said Act thirtieth and thirty-first Victoria, chapter one hundred and seven.

    After the redemption of either of the said present annual payments, the following sums shall be paid into the "Stipend Fund Income Account:"

    1. The interest or annual proceeds of the redemption money of the payment which has been redeemed.
    2. The annual payment which has not been redeemed.
    3. The said seat rents to the extent of two thousand pounds in the event of its being the payment from exchequer which shall be redeemed; and to the extent of three thousand pounds in the event of its being the bond of annuity which shall be redeemed.
    4. In the event of its being the payment from exchequer which shall be redeemed the sum payable to the Ecclesiastical Commissioners under the fourth section of the Act thirtieth and thirty-first Victoria, chapter one hundred and seven.

    After the redemption of both annual payments, the following sums shall be paid into the said "Stipend Fund Income Account:"

    1. The interest of the redemption moneys.
    2. The seat rents to the extent of four thousand two hundred pounds.

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3. The balance, if any, of the seat rents, beyond the sum of four thousand two hundred pounds, and all other funds payable to and revenues received by the Commissioners, shall be exclusively applicable to and be paid to the credit of "The General Purposes Fund."

4. Out of the Stipend Fund Account the Commissioners shall make payment, in two equal portions, at the terms of Candlemas and Whitsunday, one thousand eight hundred and seventy- , and annually thereafter, to each of the ministers for the time being of the parochial churches of the said city after mentioned, or to any person duly authorized to receive the same on behalf of the said ministers, a stipend or salary of six hundred pounds per annum, except as after mentioned; that is to say, to the ministers of the thirteen following churches, namely, the New North Church, Trinity College Church, Lady Yester's Church, Old Greyfriars' Church, New Greyfriars' Church, St. John's Church, St. George's Church, St. Mary's Church, St. Stephen's Church, Greenside Church, The High Church, The Tron Church, and St. Andrew's Church, provided that the portion of the said salaries or stipends to be paid at the term of Candlemas shall be for the period from Whitsunday to Michaelmas preceding, and the portion to be paid at the term of Whitsunday shall be for the period from Michaelmas to Whitsunday, and shall be subject to the whole conditions applicable by law to the stipends or salaries formerly payable to the ministers of Edinburgh from the produce of the impost or tax formerly levied under the name of the annuity tax within the ancient and extended royalties of the city of Edinburgh, as referred to in the second section of the Act of twenty-third and twenty-fourth Victoria, chapter fifty; provided always, that the ministers of the following churches, viz., the Trinity College Church, the Tron Church, Old Greyfriars' Church, and St. Stephen's Church, shall not be entitled to demand a salary or stipend of more than five hundred and fifty pounds per annum until the events hereinafter specified; and also provided that, upon the death or removal of any of the present ministers of the nine remaining churches, the successor or successors of such minister or ministers shall not be entitled to demand a salary or stipend of more than five hundred and fifty pounds per annum, until the events after specified. Further, the Commissioners, while the bond of annuity and payment from Exchequer remains

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unredeemed, shall pay to the minister of the Canongate Church the sums of money specified under the ninth section of the Act thirtieth and thirty-first Victoria, chapter one hundred and seven; provided always, that after the said bond and payment have been redeemed, the minister of the said Canongate Church shall not be entitled to demand more than two hundred and fifty pounds, until the events after specified; and if the Stipend Fund Account shall not be sufficient to pay in any year the stipends due to the existing incumbents, the Commissioners shall be authorised, as often as any deficiency arises, to raise and apply such portion of the capital as may be necessary to meet such payments; and after the payment of such stipends, and also after repaying any such sum as may have been contributed out of the capital to meet deficiencies, the Commissioners shall, at their option, and according to their discretion, apply the balance, if any, of the Stipend Fund Account for any of the other purposes authorised by the Acts of twenty-three and twenty-four Victoria, chapter fifty, and thirty and thirty-one Victoria, chapter one hundred and seven, and this Act, except those hereby specially charged on the "General Purposes Fund."

5. The Commissioners shall hold the General Purposes Fund Account for the purposes following, that is to say,—

(First.) The costs, charges, and expenses properly incurred by the Commissioners, and in payment of the salaries of all officers and servants properly employed by them in carrying the provisions of this and the recited Acts into effect, and of the feu duties payable by the Commissioners; and in insuring the several churches against loss by fire, to such extent as they shall think necessary; and maintaining and upholding in repair the fabric thereof, and in payment of the proportion of the salaries of the clerk of the Synod of Lothian and Tweeddale, and the clerk and officer of the Presbytery of Edinburgh, payable for the said churches, or any of them.

(Second.) So far as the Commissioners may consider necessary, and in the event of the kirk sessions, or any of them, not being able to pay the same out of the church door collections or otherwise, the whole or any part of the expenses of the celebration of Divine ordinances in the respective churches, and in the maintenance and repair of the fabrics of the said churches.

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And with regard to Montrose, be it enacted as follows:

Town council shall pay over a sum of 1,500*l.* to kirk session.

26. At or before the first term of Whitsunday following the vacancy in the second charge of the church and parish of Montrose, first occurring after the passing of this Act, the provost, magistrates, and town council of the said burgh shall pay from the first and readiest of the corporate funds of the said burgh to the kirk session of the said church and parish the sum of one thousand five hundred pounds, and shall within two months of the passing of this Act execute and deliver to the treasurer of the said kirk session for their behoof, a bond therefor in the terms contained in Schedule (C.) annexed to this Act, and shall likewise execute and deliver to the said kirk session a valid transfer in their favour of the whole pews or seats in said church now belonging to the said provost, magistrates, and town council, with entry thereto at the first term of Whitsunday following said vacancy, and the annual interest of the said sum of one thousand five hundred pounds and the annual rents of said pews or seats shall be paid by the said kirk session to the succeeding minister of the said second charge and his successors in office by equal portions at the terms of Martinmas and Whitsunday respectively.

Kirk session to pay a sum of 70*l.* per annum to minister of second charge out of rents, church, seats, &c.

27. From and after the first term of Whitsunday or of Martinmas following the vacancy in the second charge out of the first and readiest of the whole rents of lands and church seats, feu duties, ground annuals, and interest of moneys now belonging to or administered by the said kirk session, their treasurer or others on their behalf, the said kirk session, treasurer, and others, shall pay to the succeeding minister of the said second charge and his successors in office an annual sum of seventy pounds by equal portions at the terms of Martinmas and Whitsunday respectively, which annual sum shall be a real and preferable first charge and burden in favour of the said second minister and his successors in office upon the said lands, feu duties, ground annuals, and interests aforesaid, and upon the gross rents and revenues arising therefrom, after deduction only from such gross rents and revenues of the minister's stipend the public and local burdens and taxes and the expenses of repairs of buildings belonging to the said kirk session upon said lands.

Kirk session to pay 60*l.* per annum out of church-door collections.

28. From and after the said term of Whitsunday or Martinmas following the vacancy in the said second charge the said kirk session shall, out of the first and readiest of the ordinary church-door collections, pay, by equal portions at the terms of Martinmas and Whitsunday respectively, to the succeeding minister and his successors in office

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an annual sum of not less than sixty pounds, which annual sum shall be the first charge upon the said collections, and the remainder, if any, of such collections shall belong to and be applied by the said kirk session for the payment of precentors, beadles, doorkeepers and other officers of the said church and kirk session, and for such other purposes connected with the said church and parish as the said kirk session shall think fit.

Kirk session may levy assessments on pews and seats.

29. From and after the first term of Whitsunday or Martinmas following the vacancy in the second charge of the church and parish of Montrose first occurring after the passing of this Act, it shall be lawful for the kirk session of the said church and parish, and they are hereby required, to impose and levy pew or seat rents or assessments on not more than nine tenths of the pews or seats in the said church, at such rate as shall, in addition to the aforesaid annual interest of the said sum of one thousand five hundred pounds, the annual rents of the said pews or seats to be transferred as aforesaid, the said sum of seventy pounds, and the said sum of not less than sixty pounds, together with any stipend or salary which may arise from the interest of any endowment hereafter made for the minister of the second charge, or which may be provided for him by means of special church door collections yield an annual sum sufficient to provide for such minister and his successors in office a stipend not exceeding the sum of three hundred and forty pounds.

Forfeiture of seats in default of payment.

30. The said pew or seat rents or assessments so imposed and levied shall be exigible from and payable by the proprietors of said pews or seats, and that annually and in advance, from and after the first term of Whitsunday or Martinmas following said vacancy, and in the event of two years pew or seat rents or assessments so imposed being due by any proprietor at one time, such proprietor (or the person acting for him in uplifting the said seat rents), shall, upon receiving two months written notice to that effect ipso facto, forfeit and lose all right and title to the said pews or seats, and the same shall thenceforth become the property of the said kirk session and be used or let by them, and shall be subject to the same rent or assessment in favour of the second minister as if the same had remained the property of the original proprietor: Provided always, that such proprietor or his successors shall be entitled to redeem the same at any time thereafter upon payment to the kirk session of all arrears of rents or assessments and interest arising thereon at the rate of five pounds per cent. per annum, but without any claim against the said kirk session for any rents which may have been uplifted therefrom during the possession of the said kirk session.

Kirk session to fix the amount of stipend for clergyman of second charge.

31. Power is hereby given to the kirk session (or a majority thereof), with the sanction of the presbytery of Brechin (or a majority thereof), previous to the appointment of any clergyman to any vacancy in the said second charge to fix the amount of stipend to be paid to such clergyman, and raised in manner aforesaid, provided that such shall not exceed the foresaid sum of three hundred and forty pounds.

Repeal of Acts at variance with this Act.

32. All laws, statutes, and usages, in so far as the same are at variance with the provisions of this Act, are hereby repealed.

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SCHEDULE (A.)

Form of Mortgage.

Mortgage No. £

By virtue of an Act passed in the thirty-third year of the reign of Her Majesty Queen Victoria, intituled [*here insert the title of this Act*], we, the Lord Provost, magistrates, and council of the city of Edinburgh, for ourselves, and as representing the community of the said city, in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to the city treasurer for the purposes of the said Act, do hereby, subject to the rights of the creditors and others of the said Act reserved, grant and assign the whole estate and revenues of the city of Edinburgh under our administration and referred to in clause three of the said Act, to hold to the said mortgagee and his foresaids until the said principal sum and interest thereon from the date hereof till paid shall be fully paid and satisfied.

Dated this day of one thousand eight hundred and

[*To be signed by the Lord Provost and the city treasurer, and to have the corporate seal attached.*]

Form of Transfer to be endorsed.

I, *A.B.*, within designed [*or* I, *A.B.*, *executor-dative or otherwise, as the case may be, of the said within designed*] do transfer this mortgage, with all right, title, and interest which I have under the same, to *E.F.*, [*as his, her, or their, as may be*] executors, administrators, and assignees. In witness whereof [*insert testing clause according to the law of Scotland. If executed furth of Scotland, the form of execution and attestation used in England may be adopted.*]

SCHEDULE (B.)

Form of Mortgage for Cash Credit.

By virtue of an Act passed in the thirty-third year of the reign of Her Majesty Queen Victoria, intituled [*here insert the title of this Act*], we, the Lord Provost, magistrates, and council of the city of Edinburgh, for ourselves, and as representing the community of the said city, in consideration of our having obtained from [*name of the bank*] a credit or cash account to be operated upon by the city treasurer, for the purposes of the said Act, either by cheques or drafts under his hand, or by debiting the said account under his direction with obligations due and payable by us or under our authority, do hereby grant and assign to the said [*name of bank*] and their assignees the whole estate and revenues of the city of Edinburgh under our administration and referred to in clause three of the said Act, and that in security and for payment of the amount of the said credit, or otherwise, of the sums advanced from time to time on the said cash account, with interest thereon, at the rates chargeable by the said bank on cash credit accounts for the time, to hold to the said bank and their foresaids, until the said principal sum of credit, or such part thereof as may be advanced from time to time as aforesaid, and interest thereon at the rate foresaid, shall be fully satisfied and paid.

[*To be executed as provided in regard to mortgages.*]

SCHEDULE (C.)

By virtue of an Act passed in the thirty-third year of the reign of Her Majesty Queen Victoria, intituled [*here insert the title of this Act*], we, Robert Barclay, Esquire, Provost of the Burgh of Montrose, and Messieurs David Mitchell, Charles Low, and David Lackie Bailies, and David Keith Middleton, treasurer thereof, and the remanent members of the council of the said burgh of Montrose, as representing the community of the said burgh, bind and oblige ourselves and our successors in office in terms of the said Act to pay to Charles Dunbar, merchant in Montrose, treasurer to the Kirk Session of the church and parish of Montrose, and his successors in that office, for behoof of the said Kirk Session for the purposes expressed or referred to in section twenty-four of the said Act, or to

A.D. 1870. his or their assignees, sat the first term of Whitsunday following the vacancy in the second charge of the said church and parish of Montrose first occurring after the passing of the said Act, the principal sum of one thousand five hundred pounds sterling, with a fifth part more of the foresaid principal sum of liquidate penalty in case of failure, and the interest of the said principal sum at the rate of five pounds per centum per annum during the not payment thereof: And we consent to the registration hereof in the books of council and session or others competent therein to remain for preservation, and, if necessary, that letters of horning on six days charge, and all other legal execution may pass upon a decree to be interponed hereto in form as effeirs, and for that purpose we constitute our procurators, &c.

In witness whereof.

Annuity Tax Abolition (Edinburgh and Montrose, &c.) Act (1860) Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE (ON RE-COMMITMENT)]

To amend the Act twenty-third and twenty-fourth Victoria, chapter fifty, intituled "An Act to abolish the "Annuity Tax in Edinburgh and "Montrose, and to make provision "in regard to the Stipends of the "Ministers in that City and Burgh, "and also to make provision for the "Patronage of the Church of North "Leith;" and to make provision for the abolition of the Annuity Tax within the parish of Canongate, and for the payment of the Minister of said parish.

(Prepared and brought in by The Lord Advocate, Mr. Secretary Bruce, and Mr. Adam.)

Ordered, by The House of Commons, *to be Printed,* 11 *July* 1870.

[Bill 208.] *Under* 3 *oz.*

Appellate Jurisdiction Bill. [H.L.]

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.
1. Short title of Act.

Appellate Division of the High Court of Justice.

2. Establishment of Divisional Court of Appeal.
3. Jurisdiction of Divisional Court of Appeal.
4. Constitution and proceedings of Divisional Court of Appeal.
5. Abolition of certain appellate jurisdictions.
6. Mode of appointing and selecting judges of Divisional Court of Appeal.

Clause A.—Salaries and rank of Lord Justices of Appeal.
Clause B.—Pensions of Lord Justices of Appeal.
Clause C.—Mode of paying salaries and pensions.

7. Officers of Divisional Court of Appeal.
8. Officers of Judges of Divisional Court of Appeal.
9. Restrictions on appeal from judgments of Divisional Court of Appeal.
10. General jurisdiction of Divisional Court of Appeal.
11. Rules of Court.

Temporary Provisions.

12. Provisions as to present Lord Justice of Appeal.
13. Officers of the Master of the Rolls and Lord Justice of Appeal.
14. Transfer of existing staff of officers to High Court of Justice.
15. Transfer of books and papers to Divisional Court.
16. Doubts as to the status of officers to be determined by rules.
17. Provision as to Bankruptcy Judge sitting on Judicial Committee.

Clause D.—Provision as to officers paid out of fees.

18. Definition of "existing."
19. Commencement of Act.
20. Definition of "pension."

A

B I L L

INTITULED

An Act for better regulating the Constitution and Procedure of Courts of Appeal. A.D. 1870.

[Note.—*The words and clauses printed in red ink are proposed to be inserted in Committee.*]

WHEREAS by a Bill brought into Parliament during the present session, and intituled the High Court of Justice Act, 1870, it is proposed to vest in one High Court of Justice the jurisdiction hitherto exercised by the superior courts of Law and of Equity, the Court of Probate, and the Court for Divorce and Matrimonial Causes, and the Court of Admiralty: And whereas it is expedient to establish as a division of such court a court of appeal for hearing matters on appeal from the divisional courts of the said High Court of Justice and from certain other courts, and for the consideration of questions of law which may arise in criminal trials:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited for all purposes as "The Appellate Jurisdiction Act, 1870." Short title of Act.

Appellate Division of the High Court of Justice.

2. From and after the commencement of this Act there shall be attached to the High Court of Justice a sixth divisional court to be called the Divisional Court of Appeal. Establishment of Divisional Court of Appeal.

The judges of the Divisional Court of Appeal shall consist, first, of the official judges following, that is to say, the Lord Chancellor for the time being, the Chief Justice of England, and the Master of the Rolls; and, secondly, of four Lords Justices of Appeal; and, thirdly, of three other judges of the High Court of Justice, to be selected annually in manner prescribed by rules of Court.

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The Lord Chancellor shall be Lord President of the Court.

In the absence of the Lord President the judge next in rank shall preside.

Jurisdiction of Divisional Court of Appeal.

3. The Divisional Court of Appeal shall have power—

(1.) To rehear or review on appeal any judgment or order of the Courts following; that is to say,

(*a.*) Of any Divisional or other Court of the High Court of Justice;

(*b.*) Of the London Court of Bankruptcy;

(*c.*) Of the Court of Chancery of the County Palatine of Lancaster;

(*d.*) Of the Mayor's Court of London;

(*e.*) Of the Court of the Vice-Warden of the Stannaries:

(2.) To exercise all such jurisdiction in relation to questions of law arising in criminal trials, in this Act referred to as Crown Cases reserved, as is vested in the Court established for the consideration of such questions by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter seventy-eight, intituled "An "Act for the further administration of the criminal law," or any Act amending such last-mentioned Act, and which Court is in this Act referred to as to the Court for the consideration of Crown Cases reserved.

Constitution and proceedings of Divisional Court of Appeal.

4. The Divisional Court of Appeal shall, in addition to any other jurisdiction by this Act vested in such Court for all purposes of and incidental to the transaction of the business by this Act directed to be transacted therein, have the same jurisdiction as the London Court of Bankruptcy, the Court of Exchequer Chamber, the Court of Appeal in Chancery, so far as relates to its appellate jurisdiction, the Court of Appeal in Chancery of the County Palatine of Lancaster, the Court of the Lord Warden of the Stannaries, or any of such Courts, have or has or had before and at the commencement of this Act, in pursuance of any Act of Parliament, law, or custom.

In the case of an appeal in pursuance of this Act, the Divisional Court of Appeal may substitute any order of the Divisional Court of Appeal for the order of the Court appealed against, or may transmit the case appealed against to the Court which made the original order, with directions as to the mode in which such Court is to deal with the case.

In the exercise of its jurisdiction in respect of Crown Cases reserved, the Divisional Court of Appeal may deal with any case coming within their cognizance in the same manner as the said Court for the consideration of Crown Cases reserved was authorised to deal with the same before and at the commencement of this Act.

Abolition of certain appellate jurisdictions.

5. From and after the commencement of this Act, the Court of Appeal in Chancery, the Court of Appeal in Chancery of the County Palatine of Lancaster, and the Court of Exchequer Chamber, shall cease to exist, except as respects any business pending in any such court at the time of the cessor thereof, and the Lord Chancellor shall cease to exercise any appellate jurisdiction as a judge of the Court of Chancery, and the Lord Warden of the Stannaries shall cease to exercise any appellate jurisdiction in respect of any judgment or order of the Vice-Warden; and all questions arising in criminal trials which previously to the commencement of this Act would have been reserved for the consideration of the Court for the consideration of Crown Cases reserved shall be reserved for the consideration of the Divisional Court of Appeal; and no sitting of the said Court for the consideration of Crown Cases reserved shall be held after the commencement of this Act; and no appeal shall be had from any Court whose jurisdiction is transferred to the High Court of Justice, except in manner directed by the High Court of Justice Act, 1870, and this Act, or one of such Acts.

Any business pending in any Court at the time at which such Court is declared to cease to exist under this section may, according as the Lord Chancellor by order directs, either be concluded in such Court or be transferred to the Divisional Court of Appeal. As respects any business to be concluded by any Court in pursuance of this provision, the Court concluding the same shall have the same jurisdiction as if this Act had not passed. As respects any business transferred to the Divisional Court of Appeal in pursuance of this section, that Court shall have the same jurisdiction as if the proceedings in relation thereto had been commenced in such Court, and continued therein up to the point at which the transfer takes place.

Mode of appointing and selecting judges of Divisional Court of Appeal.

6. The Master of the Rolls shall be appointed in the same manner as heretofore, and shall as respects rank, salary, and pension stand in the same position as heretofore. He shall retain his jurisdiction in respect of the custody of the Rolls, both in London and the country, but he shall not have any judicial authority except in manner provided by this Act.

The Lords Justices of Appeal shall be appointed by Her Majesty by letters patent; they shall hold their offices during good be-

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haviour, but may be removed on an address presented to Her Majesty by both Houses of Parliament.

Upon any vacancy occurring in the office of a Lord Justice of Appeal Her Majesty may by letters patent appoint a person to fill such vacancy.

Every Lord Justice of Appeal shall, before he enters on the execution of his office, take in the presence of the Lord Chancellor the oath of allegiance and judicial oath, as defined by The Promissory Oaths Act, 1868.

A Lord Justice of Appeal shall not be capable of being elected to or sitting in the House of Commons.

The Lord Chief Justice of England and the judges to be selected annually as aforesaid shall attend at the Divisional Court of Appeal at such times only as may be prescribed by rules of Court, and be consistent with the convenient performance of their duties in the other Courts of the said High Court.

Clause A. Salaries and rank of Lord Justices of Appeal.

There shall be paid to the Lords Justices of Appeal the sum of five thousand pounds a year, and they shall take rank after the junior Lord President of the other Divisional Courts.

Clause B. Pensions of Lord Justices of Appeal.

Her Majesty may, by letters patent under the Great Seal of the United Kingdom, grant to any Lord Justice of Appeal who has served for fifteen years or is disabled by permanent infirmity from the performance of the duties of his office, a pension equal to of his salary, to be continued during his life.

Service as a judge in any other Divisional Court of the High Court of Justice and in any court whose jurisdiction is transferred to the High Court of Justice by the said High Court of Justice Act, 1870, shall, for the purposes of pension, be deemed equivalent to service in the Divisional Court of Appeal.

Clause C. Mode of paying salaries and pensions.

The salaries and pensions payable to the Lords Justices of Appeal shall be charged on and paid out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland. All salaries, pensions, and superannuations payable under this Act shall grow due from day to day, and shall be payable to the persons entitled thereto or to their executors or administrators at such intervals in every year, not being longer than three months, as the Treasury may from time to time determine.

Officers of Divisional Court of Appeal.

7. The provisions of the High Court of Justice Act, 1870, relating to—

(1.) The attachment to a Divisional Court of officers, and of persons skilled in accounts, or in any particular branch of science, trade, or manufacture:

(2.) The appointment of the officers so attached:

(3.) The removal of the officers so attached:

(4.) The tenure of office by the officers so attached, their salaries, pensions, or compensations,

shall apply to the Divisional Court of Appeal in the same manner as to the other Divisional Courts of the High Court.

Officers of Judges of Divisional Court of Appeal.

8. The secretaries and other officers attached to the Lord Chancellor shall continue so attached, and shall respectively, as to tenure of office, rank, pension (if any), title, and salary, remain in the same position in all respects as if this Act and the High Court of Justice Act, 1870, had not passed, and shall perform such duties analogous to the duties hitherto performed as the Lord Chancellor may from time to time direct, subject to the provisions in this Act contained with respect to existing officers.

The Master of the Rolls and the Lords Justices of Appeal shall, as respects the officers to be attached to each of them, and the mode of appointment and removal of such officers, and their tenure of office, and otherwise, stand in the same position in all respects as the judges of the other Divisional Courts of the High Court of Justice.

Restrictions on Appeal from judgments of Divisional Court of Appeal.

9. No appeal shall be allowed from a decision of the Divisional Court of Appeal (unless leave be granted by the Divisional Court of Appeal or by the ultimate Court of Appeal) in respect of the matters herein-after mentioned; (that is to say,)

(*a.*) Interlocutory orders:

(*b.*) Matters of costs, except where payable out of a fund:

(*c.*) Judgments, decrees, or orders founded upon and applying the verdict of a jury or the finding of a judge in discharge of the office of a jury, so far as such verdict or finding is alone concerned irrespectively of matters of law.

The ultimate Court of Appeal shall, for the purposes of this Act, mean the House of Lords.

Subject as aforesaid, and subject to any restrictions and conditions imposed by rules of Court made in pursuance of this Act, an appeal may be had from any judgment or order of the Divisional Court of Appeal to the ultimate Court of Appeal as defined by this Act.

General jurisdiction of Divisional Court of Appeal.

10. Subject to the provisions of this Act, and to the performance of the duties by this Act imposed, and to the rules of Court, the Divisional Court of Appeal and the judges thereof shall perform the same duties and stand in all respects in the same position as the other Divisional Courts of the High Court and the judges thereof, with this exception, that the Lord Chancellor and Master of the Rolls and the Lord Justices of Appeal shall not any of them be obliged to go on circuit.

A.D. 1870.

Rules of Court.

11. Her Majesty may, at any time before the first day of November one thousand eight hundred and seventy-one, with the advice of the Lord Chancellor, cause to be prepared rules, in this Act referred to as rules of court, to be submitted to Parliament for confirmation, and providing for—

The regulation of all matters relating to the conduct of business coming within the cognizance of the Divisional Court of Appeal, the mode of bringing the proceedings appealed against into the Court of Appeal, the mode of hearing, the costs to be allowed, the mode of taxation thereof, and the parties by whom costs should be borne, and all matters incidental to or connected with the administration of justice in the Divisional Court of Appeal.

The rules made in pursuance of this section shall not be of any force until they have been confirmed by Act of Parliament; but when so confirmed they shall be of the same force as if enacted in this Act, and shall be judicially noticed.

This section shall come into operation immediately on the passing of this Act.

Temporary Provisions.

Provisions as to present Lord Justice of Appeal.

12. From and after the commencement of this Act, the Lord Justice Giffard shall be deemed to have been appointed the senior judge of the four Lords Justices of Appeal constituted under this Act, but he shall, as to tenure of office, rank, pension, title, and salary, remain in the same position as if this Act had not passed.

Service in the office of a Lord Justice of Appeal constituted under this Act shall, for the purpose of the pension of the said Lord justice, be reckoned as equivalent to service as a Lord Justice of Appeal in Chancery.

No new Lord Justice of Appeal in Chancery shall be appointed after the commencement of this Act.

Her Majesty may, at any time after the passing of this Act and before the time appointed for the commencement thereof, appoint one of the four Lords Justices of Appeal under this Act, in the same manner in all respects as if the time had arrived for the commencement of this Act; subject to this proviso, that any judge so appointed shall, during the time which intervenes between his appointment and the commencement of this Act, perform the same duties and exercise the same jurisdiction as if he were a Lord Justice of Appeal in Chancery, and his service as such Lord Justice of Appeal in Chancery shall for the purpose of his pension as a

judge of the Divisional Court of Appeal be reckoned as equivalent to service in the office of a Lord Justice of Appeal under this Act. A.D. 1870.

Officers of the Master of the Rolls and Lord Justice of Appeal.

13. The following officers, that is to say,

(1.) The Chief Secretary, the Under Secretary, and Secretary of Causes, the Gentlemen of the Chambers, and the Clerk of the Papers attached to the existing Master of the Rolls;

(2.) The Secretary, Trainbearer, and Usher of the said Lord Justice Giffard;

shall continue attached to the said Master of the Rolls and Lord Justice respectively, and shall perform such duties under this Act analogous to the duties already performed by them as the Master of the Rolls and Lord Justice may direct.

The officers so attached to the said Master of the Rolls and Lord Justice shall have the same rank, and hold their offices by the same tenure and upon the same terms and conditions, and receive the same salaries, and, if entitled to pensions, be entitled to the same pensions, as if this Act had not passed.

Transfer of existing staff of officers to High Court of Justice.

14. All officers at the time of the commencement of this Act attached to the Court of Appeal in Chancery or the Court of Appeal in Chancery of the County Palatine of Lancaster, or the Court of Exchequer Chamber, or the Court of the Lord Warden of the Stannaries, or the Court for the consideration of Crown Cases reserved, also all officers and persons at the time of the commencement of this Act engaged in the preparation of writs or in the registration of judgments, or any other ministerial duties in aid of or connected with any of the said courts, shall from and after the commencement of this Act be attached to the High Court of Justice or to such divisions thereof and by such names as may be specified by rules of Court.

The officers so attached shall have the same relative rank, and hold their offices by the same tenure and upon the same terms and conditions, and receive the same salaries, and, if entitled to pensions, be entitled to the same pensions, as if this Act had not passed.

The rules of Court made in pursuance of this Act shall distribute the business to be performed in the said High Court of Justice or in any divisions thereof, other than the business to be performed by the judges of the Court, amongst the several officers attached thereto by this section, in such manner as to Her Majesty may seem just, and such officers shall perform such duties in relation to such business as may be directed by the rules of Court; with this qualification, that the duties required to be performed by any officer shall be the

A. D. 1870

same or duties analogous to those which he performed previously to the passing of this Act.

Transfer of books and papers to Divisional Court.

15. All books, documents, and papers in the possession of the said Court of Appeal in Chancery of the County Palatine of Lancaster, Court of Exchequer Chamber, Court of the Lord Warden of the Stannaries, or Court for the consideration of Crown Cases reserved, or of any officer of any such courts, or of any person attached to or performing any ministerial duty in aid of any such courts, shall be dealt with by such officer or person in such manner as the said Divisional Court of Appeal may by order direct, and any person failing to comply with any order of the said Divisional Court made for the purpose of giving effect to this section shall be guilty of a contempt of the said Divisional Court of Appeal.

Doubts as to the status of officers to be determined by rules.

16. Where a doubt exists as to the position under this Act or under the High Court of Justice Act, 1870, of any existing officer attached to any existing court or judge affected by this Act or the High Court of Justice Act, 1870, as to whether such officer is or not transferred to the High Court of Justice, or to any division thereof, or to any and what judge of such courts, such doubt may be determined by rules of Court made in pursuance of this Act, and there may be assigned by the said rules to such officer such position as to Her Majesty may seem just, subject to this proviso, that such rules of Court shall not alter the tenure of office, rank, the pension (if any) or salary of such officer, or require him to perform any duties other than duties analogous to those which he has already performed.

Provision as to Bankruptcy judge sitting on Judicial Committee.

17. The chief judge in Bankruptcy, if of the rank of a privy councillor, but not otherwise, shall be a member of the Judicial Committee of the Privy Council; and this section shall come into operation immediately on the passing of this Act.

Clause D. Provision as to officers paid out of fees.

Where any officer attached to any existing court or existing judge affected by this Act or the High Court of Justice Act, 1870, is paid out of fees, and the effect of this Act or of the High Court of Justice Act, 1870, is to abolish or greatly diminish any fees applicable to the payment of such officer, the Treasury shall award to such officer such compensation as it thinks just, having regard to the tenure of office by such officer and to the circumstance of the case.

Definition of "existing."

18. The expression "existing" in this Act shall mean existing at the time of the passing of this Act.

A.D. 1870.

Commencement of Act.

19. This Act, except any provision thereof which is declared to take effect on the passing of the Act, shall not come into operation until the rules of court by this Act authorised to be made have been confirmed by Act of Parliament, and the time at which this Act comes into operation is herein-before referred to as the commencement of this Act.

Definition of "pension."

20. The word "pension" in this Act shall include retirement or superannuation allowance.

Appellate Jurisdiction.
[H.L.]

A

B I L L

INTITULED

An Act for better regulating the Constitution and Procedure of Courts of Appeal.

(*Brought from the Lords* 23 *June* 1870.)

Ordered, by The House of Commons, *to be Printed*, 24 *June* 1870.

[Bill 181.]

Under 2 *oz.*

A

B I L L

TO

Shorten the time of Active Service in the Army, and to amend in certain respects the Law of Enlistment. A.D. 1870.

WHEREAS it is expedient to shorten the period of army service of soldiers enlisted to serve in Her Majesty's Army, and to establish a reserve force which may be called into active service in a time of emergency; and also to amend in certain respects the law of enlistment in Her Majesty's Army:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Army Enlistment Act, 1870."

Twelve years the limit of enlistment.

2. From and after the *passing of this Act*, no person shall be enlisted for the first term of his engagement to serve Her Majesty as a soldier for a longer period than twelve years, to be reckoned from the day on which the recruit is attested for service.

Terms of enlistment.

3. Enlistments under this Act shall be as follows: either

(1.) For the whole of the said period, in army service; or

(2.) For a portion of the said period, to be fixed from time to time by the Secretary of State and specified in the attestation paper, in army service, and for the residue thereof in the first class of the reserve force established under the provisions of the Reserve Force Act, 1867.

Change of service.

4. The Secretary of State may from time to time by general or special regulations vary the conditions of service so as to permit a soldier who has served not less than three years in army service, with such soldier's free assent, either

(1.) To enter the reserve force at once for the residue unexpired of his term of twelve years; or

A.D. 1870.

(2.) To extend his army service for the residue unexpired of his term of twelve years.

In imminent national danger, Her Majesty may continue soldiers in army service.

5. It shall be lawful for Her Majesty, in case of imminent national danger or of great emergency, the occasion being first communicated to Parliament if Parliament be then sitting, or declared by proclamation, in pursuance of an order of Her Majesty in Council, if Parliament be not then sitting, to direct that any soldier enlisted under this Act shall at any time within the period of twelve years for which he has been enlisted continue in or re-enter upon army service for such periods from time to time, not exceeding in the whole the unexpired residue of the term of his enlistment, as Her Majesty may determine; and upon such order being issued every soldier to whom it applies shall be bound to obey the same in the same manner as if it had formed part of this Act. When any such soldier is directed to re-enter upon army service under this section, it shall be lawful for the military authorities to attach him to any regiment of that arm or branch of the service in which he has previously served.

Enlistment for general service.

6. From and after the *passing of this Act*, all enlistments, except as herein-after mentioned, shall be for general service; and it shall be lawful for the military authorities to post a recruit to any regiment or corps, and at any time within fifteen months after his attestation to direct him to be attached to any regiment or corps.

Effect of attachment to a regiment.

7. When a soldier has been attached to a regiment or corps he shall serve therein for the period of his army service; provided that it shall be lawful for the military authorities to transfer him to any regiment or corps of the same arm or branch of the service serving in the United Kingdom, in the following cases:

(1.) When he has been invalided from foreign service:

(2.) When, in the case of his regiment or corps being ordered on foreign service, he is either unfit for foreign service by reason of his health, or is within two years of the termination of the period of his army service, or of his enlistment, or of such re-engagement as is herein-after mentioned.

Provided also, that nothing in this section contained shall affect the powers of transferring soldiers contained in any Act for punishing mutiny and desertion, and for the better payment of the army and for their quarters, for the time being in force.

Power of Secretary of State to

8. The Secretary of State may, from time to time, by any general or special regulations, permit recruits to be enlisted for

particular regiments, and in such case they shall at once be attached to such regiments.

allow enlistment for particular regiments.

9. Any soldier

(1.) Who being in army service has commenced the *twelfth year* from his first enlistment, or

(2.) Who being within *three years* of the expiration of his first enlistment and in army service has been ordered but has not yet proceeded on foreign service,

Re-engagement of soldiers

may, with the approval of his commanding officer or of some other competent military authority, and subject to such regulations as may from time to time be made by the Secretary of State, be re-engaged for such further period of army service as will make up a total continuous period of *twenty-one years* in Her Majesty's service, reckoning from the time of his first enlistment.

Limit of numbers.

10. The number of men serving in the militia reserve under the Militia Reserve Act, 1867, and in the army reserve, first class, under the Reserve Force Act, 1867, and this Act, shall not exceed in the whole sixty thousand.

Continuance in Her Majesty's service after twenty-one years therein.

11. Any soldier who has completed a total period of twenty-one years service may give notice to his commanding officer of his desire to continue in Her Majesty's service; and if his commanding officer or any other competent military authority approve of such application he may be continued as a soldier in the same manner in all respects as if his term of service were still unexpired, except that it shall be lawful for him to claim his discharge at the expiration of any period of three months after he has given notice to his commanding officer of his wish to be discharged.

On expiration of enlistment, soldiers on foreign stations to be sent home.

12. Any soldier whose period of army service or whose whole period of enlistment, as the case may be, expires while he is serving on foreign service, or on any colonial or Indian station, may be detained, and his service may be prolonged, for such further period not exceeding *twelve months* as the commanding officer at the station may direct; but at the expiration of such prolonged service, or sooner, if the said commanding officer see fit, such soldier shall, unless he desires to remain at the place where he is serving, be sent home at the public charge, with all convenient speed, and after his arrival he shall be transferred to the reserve force or discharged, as the case may be.

If soldiers desire to remain in colony, &c.

13. If any soldier whose period of army service or whose whole period of service expires while he is serving in any of Her Majesty's colonies or possessions abroad, desires to remain, and to claim his

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the governor may permit them to do so.

discharge there, he shall give notice of such desire to the governor through his commanding officer, whereupon it shall be lawful for such governor, if he sees fit, with the consent of such commanding officer, to permit such soldier to remain in such colony as a discharged soldier, and such soldier shall have no claim thereafter to be conveyed to his home in the United Kingdom or elsewhere, or to any payment on account of the unexpired residue of his first term of engagement.

Rules for reckoning service.

14. In reckoning the service of a soldier for the purposes of discharge under the provisions of this Act, all periods of time shall be excluded during which he has been absent from his duty for any of the following causes; that is to say,

1. Imprisonment; provided that imprisonment shall not for the purposes of this section include detention in respect of any trial which results in the acquittal or discharge of the prisoner.
2. Desertion.
3. Absence without leave exceeding *five days*.
4. Detention as a prisoner of war, unless it appear to the satisfaction of a court-martial to be summoned on his rejoining Her Majesty's service that he was not taken prisoner through his own wilful neglect of duty, and that he rejoined as soon as he could and ought to have done.

Discharge on completion of service.

15. Every soldier who has completed his period of service or of army service, according to the provisions of this Act, shall be entitled to his discharge, or transfer to the reserve force, as the case may be, unless at the time of the expiration of such period of service he stands charged with the commission of any offence, in which case his discharge or transfer to the reserve force shall be deferred, until he has undergone his trial and any punishment awarded to him.

Provisions in Reserve Force Act, 1867, and Militia Reserve Act, 1867, as to calling reserve and militia into active service extended to cases of imminent

16. Whereas by the Reserve Force Act, 1867, section ten, it is provided that in case of actual invasion or imminent danger thereof, or in case a state of war exists between Her Majesty and any foreign power, it shall be lawful for Her Majesty by proclamation to direct that the reserve force by that Act constituted, or such part thereof as Her Majesty may think fit, be called out on permanent service:

And whereas by the Militia Reserve Act, 1867, section eight, it is provided that whenever a state of war exists between Her Majesty and any foreign power, and in all cases of actual invasion or imminent danger thereof, it shall be lawful for Her Majesty

to order that the men enlisted under the said Act or such of them as Her Majesty may judge necessary shall enter upon army service: A.D. 1870.

national danger.

And whereas it is expedient to assimilate the conditions under which men of the reserve force established under the said Acts of one thousand eight hundred and sixty-seven may be called to enter upon army service to those under which men enlisted under this Act may be directed to continue in or re-enter upon army service: Be it enacted as follows:

30 & 31 Vict. c. 110. s. 10. 30 & 31 Vict. c. 111. s. 8.

1. Section ten of the Reserve Force Act, 1867, shall be construed as if the words "in case of imminent national danger or "of great emergency, the occasion being first communicated "to Parliament if Parliament be then sitting, or declared by "proclamation," were inserted in the said section in place of the words "in case of actual invasion or imminent danger "thereof, or in case a state of war exists between Her "Majesty and any foreign power:"

2. Section eight of the Militia Reserve Act, 1867, shall be construed as if the words "in case of imminent national danger "or of great emergency, the occasion being first communi-"cated to Parliament if Parliament be then sitting, or "declared by proclamation," were inserted in the said section in place of the words "whenever a state of war exists "between Her Majesty and any foreign power, and in all "cases of actual invasion or imminent danger thereof."

Provided that nothing in this section contained shall affect any person enlisted under the said Acts of one thousand eight hundred and sixty-seven before this Act comes into operation.

Soldiers who have exceeded the first term of their engagement may be enrolled in reserve.

17. From and after the *passing of this Act* any soldier who is serving or has served in any of Her Majesty's regular forces, and whose service (or past service) has exceeded the first term of his enlistment, may be enrolled to serve in the first class of the reserve force established under the Army Reserve Act, 1867; provided that no such soldier is when so enrolled above the age of *thirty-four* years.

Power of Secretary of State to issue orders and forms.

18. The Secretary of State may from time to time issue such orders and forms for enlisting recruits and for otherwise carrying into effect this Act as he thinks expedient, and any orders and forms so issued shall be of the same force as if expressly enacted in this Act.

Saving of provisions of Acts relating to enlistment.

19. All provisions of any Act of Parliament for the time being in force relating to the enlistment of recruits for Her Majesty's army shall, in so far as they are not inconsistent with this Act,

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be deemed to be incorporated with this Act, and to apply accordingly to any enlistments made in pursuance of this Act.

Application of Act to men under Army Enlistment Act, 1867.

20. This Act shall apply to men serving for the first term of their enlistment under the Army Enlistment Act, 1867, in the same manner as if they had been enlisted under this Act: Provided that this Act shall not be applied to any man enlisted under such last-mentioned Act except with his own consent.

Training of first class of reserve force.

21. The Secretary of State may from time to time make regulations for the training of persons serving in pursuance of this Act in the first class of the reserve force in such manner and during such periods as he may consider to interfere as little as possible with their ordinary trades or occupations, and as do not exceed in any one year *twelve* whole days or *twenty* drills of *two hours* each.

Repeal.

22. From and after the *passing of this Act*, section eight of the Reserve Force Act, 1867, and all enactments inconsistent with this Act, shall be repealed.

Definition of Secretary of State.

23. The Secretary of State shall mean any one of Her Majesty's Principal Secretaries of State.

Army Enlistment.

A

BILL

To shorten the time of Active Service in the Army, and to amend in certain respects the Law of Enlistment.

(*Prepared and brought in by Mr. Secretary Cardwell and Captain Vivian.*)

Ordered, by The House of Commons, *to be Printed,* 25 *April* 1870.

[Bill 106.]

Under 1 *oz.*

LORDS AMENDMENTS

TO THE

ARMY ENLISTMENT BILL.

Note.—*The Page and Line refer to the Bill* (236.) *as first printed by the Lords.*

Page 1.

Line 21, after ("1867") add ("but nothing in this Clause "shall interfere with the power of Her Majesty to enlist "men for a less period than twelve years in army service "alone")

Page 2.

Line 21, leave out ("a recruit") and insert ("any recruit so "enlisted")

Line 23, after ("corps") add ("but the Secretary of State "may from time to time, by any general or special regula- "tions, permit recruits to be enlisted for particular regiments, "and in such case they shall at once be attached to such "regiments")

Leave out Clause 8.

Page 3.

Line 39, after ("expires") insert ("while a state of war exists "between Her Majesty and any foreign power or")

Page 4.

Line 1, after the first ("the") insert ("Secretary of State or "the")

Line 3, after ("said") insert ("Secretary of State or") and after ("shall") insert ("be transferred to the reserve force "or discharged, as the case may be, and if serving abroad he "shall")

Leave out Clause 13.

Page 5.

Line 37, after ("operation") add ("except with his own "consent")

Page 6.

Line 14, after ("under") insert ("the Act of the Session "holden in the tenth and eleventh years of Her Majesty's "reign, chapter thirty-seven, intituled "An Act for limiting "the term of service in the army," and")

After Clause 21 insert Clause A.

The Secretary of State may require the chief officer of police in every district in the United Kingdom to cause to be served within his district any notice the Secretary of State may desire to be served on any members of the reserve forces in such district; and all officers and men of every police force shall conform to the orders of the said Secretary of State in relation to the service of such notices given through such officer.

The reserve forces shall mean the army reserve, the militia reserve, and any other reserve forces as defined by Act of Parliament, also the militia, yeomanry, volunteers, and any other land forces whatever within the United Kingdom, serving or liable to be called upon to serve Her Majesty in any military capacity and not forming part of the regular army.

LORDS AMENDMENTS

TO THE

ARMY ENLISTMENT BILL.

Ordered, by The House of Commons, *to be Printed,*
4 August 1870.

[Bill 260.]

Under 1 *oz.*

Attorneys and Solicitors Remuneration Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clauses.

1. Short title.
2. Extent of Act.
3. Interpretation.

PART I.—*Agreements between Attorneys or Solicitors and their Clients.*

4. The remuneration of attorneys and solicitors may be fixed by agreement.
5. Saving of interests of third parties.
6. Agreements shall exclude further claims.
7. Saving of liens.
8. Reservation of responsibility for negligence.
9. Manner of examining and enforcing agreements.
10. Improper agreements may be set aside.
11. Agreements may be re-opened after payment in special cases.
12. Prohibition of certain stipulations.
13. Avoidance of agreements fraudulent against creditors.
14. Provision in case of death or incapacity of attorney.
15. Agreements shall be exempt from taxation.

PART II.—*General Provisions.*

16. Security may be taken for future costs.
17. Conditions under which a trustee may act as solicitor in the matter of his trust.
18. Interest may be allowed on taxations in respect of disbursements and advances.
19. Taxing officer may have regard to nature of services.

A

B I L L

TO

Amend the law relating to the Remuneration of Attorneys and Solicitors. A.D. 1870.

WHEREAS it is expedient to amend the law relating to the remuneration of attorneys and solicitors:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

Short title. **1.** This Act may be cited as "the Attorneys' and Solicitors' Act, 1870."

Extent of Act. **2.** This Act shall not extend to Scotland or Ireland.

Interpretation. **3.** In the construction of this Act, unless where the context otherwise requires, the words following have the significations herein-after respectively assigned to them; that is to say,

The words "attorney or solicitor" mean an attorney, solicitor, or proctor, qualified according to the provisions of the Acts for the time being in force, relating to the admission and qualification of attorneys, solicitors, or proctors:

"Person" includes a corporation:

"Client" includes any person who, as a principal or on behalf of another person, retains or employs, or is about to retain or employ, an attorney or solicitor, and any person who is or may be liable to pay the bill of an attorney or solicitor for any services, fees, costs, charges, or disbursements.

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PART I.—*Agreements between Attorneys or Solicitors and their Clients.*

The remuneration of attorneys and solicitors may be fixed by agreement.

4. An attorney or solicitor may make an agreement in writing with his client respecting the amount and manner of payment for the whole or any part of any past or future services, fees, charges, or disbursements in respect of business done or to be done by such attorney or solicitor, whether as an attorney or solicitor or as an advocate or conveyancer, either by a gross sum, or by commission or per-centage, or by salary or otherwise, and either at the same or at a greater or at a less rate as or than the rate at which he would otherwise be entitled to be remunerated, subject to the provisions and conditions in this part of this Act contained.

Saving of interests of third parties.

5. Such an agreement shall not affect the amount of, or any rights or remedies for the recovery of, any costs recoverable from the client by any other person, or payable to the client by any other person, and any such other person may require any costs payable or recoverable by him to or from the client to be taxed according to the rules for the time being in force for the taxation of such costs, unless such person has otherwise agreed.

Agreements shall exclude further claims.

6. Such an agreement shall be deemed to exclude any further claim of the attorney or solicitor beyond the terms of the agreement in respect of any services, fees, charges, or disbursements in relation to the conduct and completion of the business in reference to which the agreement is made, except such services, fees, charges, or disbursements, if any, as are expressly excepted by the agreement.

Saving of liens.

7. Such an agreement shall not, unless by express stipulation, defeat any lien of an attorney or solicitor as such on the documents, moneys, or securities of his client, and in any case in which any property recovered or preserved in any suit, matter, or proceeding may be charged with the taxed costs, charges, and expenses of the attorney or solicitor through whose instrumentality such property has been recovered or preserved, such property may be charged with the amount agreed upon by any such agreement in lieu of such taxed costs, charges, or expenses.

Reservation of responsibility for negligence.

8. A provision in any such agreement that the attorney or solicitor shall not be liable for negligence, or that he shall be relieved from any responsibility to which he would otherwise be subject as such attorney or solicitor, shall be wholly void.

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Examination and enforcement of agreements.

9. No action or suit shall be brought upon any such agreement, unless as herein-after provided; and every question respecting the validity or construction of any such agreement may be examined and determined, and the agreement may be enforced, without suit or action, on motion or petition of any person, or the representative of any person, a party to such agreement, or being or alleged to be liable to pay, or being or claiming to be entitled to be paid, the costs, fees, charges, or disbursements in respect of which the agreement is made, by the court in which the business was done, or a judge thereof, or if the business was not done in any court, then where the amount payable under the agreement exceeds fifty pounds, by any superior court of law or equity or a judge thereof, and where such amount does not exceed fifty pounds, by the judge of a county court which would have jurisdiction in an action upon the agreement; but the court or judge may refuse to make any rule or order on such motion or petition, and may give leave to the person seeking to enforce the agreement to bring an action at law, or to take such other proceedings as he may be advised.

Improper Agreements may be set aside.

10. The court or judge before whom any such agreement is sought to be enforced or set aside may, if satisfied that any undue advantage was taken in making the agreement by any party thereto, require the agreement to be given up, and may direct the costs, fees, charges, and disbursements to be taxed according to the rules for the time being in force for the taxation of the same.

Agreements may be re-opened after payment in special cases.

11. When the amount agreed for under any such agreement has been paid by or on behalf of the client, or by any person chargeable with or entitled to pay the same, any court or judge having jurisdiction to examine and enforce such an agreement may, upon application by the person who has paid such amount, within twelve months after the payment thereof, if it appears to such court or judge that the special circumstances of the case require the agreement to be re-opened, re-open the same, and order the costs, fees, charges, and disbursements to be taxed, and the whole or any portion of the amount received by the attorney or solicitor to be repaid by him, on such terms and conditions as to the court or judge may seem just.

Prohibition of certain stipulations.

12. Nothing in this Act contained shall be construed to give validity to any purchase by an attorney or solicitor of the interest of his client in any suit, action, or other contentious proceeding to be brought or maintained, or to give validity to any agreement by which an attorney or solicitor retained or employed to prosecute

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any suit or action, stipulates for payment only in the event of success in such suit, action, or proceeding.

Frauds on creditors.

13. Nothing in this Act contained shall give validity to any disposition, contract, settlement, conveyance, delivery, dealing, or transfer, which may be void or invalid against a trustee or creditor in bankruptcy, arrangement, or composition, under the provisions of the laws relating to bankruptcy.

Provision in case of death or incapacity of the attorney.

14. Where an attorney or solicitor has made an agreement with his client in pursuance of the provisions of this Act, and anything has been done by such attorney or solicitor under the agreement, and before the agreement has been completely performed by him, such attorney or solicitor dies or becomes incapable to act, an application may be made to any court which would have jurisdiction to examine and enforce the agreement by any party thereto, or by the representatives of any such party, and such court may order the amount due in respect of the past performance of the agreement to be ascertained by taxation, and the taxing officer in ascertaining such amount shall have regard so far as may be to the terms of the agreement, and payment of the amount found to be due may be enforced in the same manner as if the agreement had been completely performed by the attorney or solicitor.

Agreements shall be exempt from taxation.

15. Except as in this part of this Act provided, the bill of an attorney or solicitor for the amount due under an agreement made in pursuance of the provisions of this Act shall not be subject to any taxation, nor to the provisions of the Act of the sixth and seventh Victoria, chapter seventy-three, and the Acts amending the same respecting the signing and delivery of the bill of an attorney or solicitor.

PART II.—*General Provisions.*

Security may be taken for future costs.

16. An attorney or solicitor may take security from his client for his future fees, charges, and disbursements, to be ascertained by taxation or otherwise.

Conditions under which a trustee may act as solicitor in the matter of his trust.

17. When an attorney or solicitor is hereafter appointed a trustee or executor under any deed or will, then, unless the deed or will otherwise directs, he may, by himself or his partners, act as solicitor or attorney in all matters relating to the deed or will, and shall be entitled to his professional costs and charges in the same

manner as if he were not such trustee or executor, subject to the provisions following; that is to say, A.D. 1870.

(1.) If the deed or will provides a certain remuneration expressed to be in respect of any professional services, he shall not under this section be entitled to any further remuneration for such services:

(2.) If the deed or will appoints co-trustees or co-executors jointly with him, he shall not so act or be entitled to such costs or charges without the consent in writing of his acting co-trustees or co-executors for the time being:

(3.) When the aggregate amount of such costs and charges exceeds ten pounds, whether or not any part of such aggregate amount has been paid previously or on account, he shall, before taking payment of such amount or of the balance thereof, submit a full account of such amount and of the items thereof to the taxing officer of a superior court of equity, and such taxing officer shall have power either to allow the same, or if he thinks any part thereof unnecessary or unreasonable, to tax such part or the whole thereof in the ordinary manner, and to declare what sum, if any, is due to or from such attorney or solicitor on the whole account.

Interest may be allowed on taxations in respect of disbursements and advances.

18. Subject to any general rules or orders hereafter to be made upon every taxation of costs, fees, charges, or disbursements, the taxing officer may allow interest at such rate and from such time as he thinks just on moneys disbursed by the attorney or solicitor for his client, and on moneys of the client in the hands of the attorney or solicitor.

Taxing officer may have regard to the character of the services.

19. Upon any taxation of costs, the taxing officer may, in determining the remuneration to be allowed to the attorney or solicitor for his services, have regard, subject to any general rules or orders hereafter to be made, not only to the length of documents or the time occupied in rendering services, but also to the skill, labour, and responsibility involved.

Attorneys and Solicitors Remuneration.

A

B I L L

To amend the law relating to the Remuneration of Attorneys and Solicitors.

(*Prepared and brought in by Mr. Rathbone, Mr. George Gregory, Mr. Morley, and Mr. Goldney.*)

Ordered, by The House of Commons, *to be Printed,* 10 *February* 1870.

[Bill 6.]

Under 1 *oz.*

A

B I L L

TO

Amend the Smoke Nuisance Abatement (Metropolis) Act, 1853, so far as it relates to Bakehouses. A.D. 1870.

WHEREAS it is expedient to amend the Smoke Nuisance Abatement (Metropolis) Act, 1853, (the 16 & 17 Vict. c. 128):

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. From and after the passing of this Act the term "furnace" in the said Act shall not be held to include any oven employed or used in an ordinary bakehouse for the baking of any kind of bread or other article of food.

Bakehouses.

A

BILL

To amend the Smoke Nuisance Abatement (Metropolis) Act, 1853, so far as it relates to Bakehouses.

(*Prepared and brought in by Mr. Locke and Mr. Holms*).

Ordered, by The House of Commons, *to be Printed*, 21 *February* 1870.

[Bill 39.]

Under 1 *oz.*

A

B I L L

TO

Provide for taking the Poll at Parliamentary and Municipal Elections by Ballot. A.D. 1870.

WHEREAS it is expedient to amend the modes of voting and of taking the poll now in force at elections of members to serve in Parliament, and at municipal elections, in the United Kingdom of Great Britain and Ireland, and to provide for voting and taking the poll at such elections by ballot:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title and commencement of Act.

1. This Act shall be cited for all purposes as "The Ballot Act, 1870," and shall commence and take effect from the date of the passing thereof.

Interpretation clause.

2. In the construction of this Act, the following terms shall have the respective meanings herein-after assigned to them (if not inconsistent with the context); (that is to say,)

Parliamentary election.

"Parliamentary election" shall mean an election of a member or members to serve in Parliament.

Municipal election.

"Municipal election" shall mean an election of a person or persons to serve the office of alderman (in Ireland), councillor, auditor, revising assessor, assessor of the borough, or ward assessor in and for any corporate city or borough, or any ward of a corporate city or borough, in England, Wales, or Ireland, or the office of municipal commissioner in and for any borough (under the government of municipal commissioners) in Ireland, or the office of town councillor in and for any royal or parliamentary burgh, or any ward of a royal or parliamentary burgh, in Scotland.

A.D. 1870.

Election. "Election" shall apply to and mean either a parliamentary election or a municipal election as herein-before respectively defined.

Returning officer. "Returning officer" shall apply to and mean any person or persons to whom by virtue of his or their office, under any law, custom, or statute, the execution of any writ or precept doth or shall belong for the election of a member or members to serve in Parliament, by whatever name or title such person or persons may be called:

Mayor. "Mayor" shall mean the mayor for the time being of any corporate city or borough in England, Wales, or Ireland, or the chairman of municipal commissioners in any borough (under the government of municipal commissioners) in Ireland, or the person who, under any law, custom, or statute, shall for the time being be charged with the execution of the duties of such mayor or chairman in respect of any municipal election in England, Wales, or Ireland.

Provost. "Provost" shall mean the provost, or chief or senior magistrate, for the time being, of any royal or parliamentary burgh in Scotland, or the person who, under any law, custom, or statute, shall, for the time being, be charged with the execution of the duties of such provost, or chief or senior magistrate, in respect of any municipal election in Scotland.

Presiding officer. "Presiding officer" shall mean and include the person or persons, if more than one, lawfully appointed, before whom any municipal election shall be held, under and by virtue of any statutes relating to such election.

Candidate. "Candidate" shall apply to and mean either any person nominated as a candidate or who shall have declared himself to be a candidate at or before any parliamentary election, or any person who shall have been duly nominated or proposed for election at any municipal election.

Voter. "Voter" shall mean any person who shall have or shall claim to have a right to vote at any election.

Register. "Register" shall apply to and mean either the register (for the time being in force) of persons entitled to vote at any parliamentary election, or the burgess roll, or register of voters (for the time being in force) of burgesses or voters entitled to vote at any municipal election.

Ballot cards to be provided. **3.** Before the day fixed for taking the poll at any parliamentary or municipal election, the returning officer, mayor, or provost,

acting in respect of such election, shall cause to be prepared and printed ballot cards according to the form and directions in the schedule (A.) to this Act annexed, on which ballot cards the names of the several candidates at such election shall be printed in strict alphabetical or dictionary order, and in separate and distinct colours; and shall, before the opening of the poll at such election, supply to the deputy returning officer or the presiding officer appointed to each separate polling booth so many of such ballot cards as shall correspond with the number of voters entitled to vote in such booth. And every such deputy returning officer or presiding officer shall account for the ballot cards so supplied to him to the returning officer, mayor, or provost, at the close of the poll.

Balloting compartments to be provided in each polling booth.

4. At every contested election, the returning officer, mayor, or provost shall, before the opening of the poll, cause to be fitted up or provided in each polling booth one or more balloting compartments with all necessary conveniences and materials for the purpose of enabling each voter who shall vote in such booth to mark a ballot card as herein-after provided; and every such compartment shall be so constructed that each such voter may so mark his ballot card, alone and secretly, without any interference or interruption.

Persons who may be present in any booth.

5. From and after the opening of the poll in any polling booth until the close all proceedings relating thereto, no person shall be entitled or permitted to be present in such booth, other than the returning officer, mayor, or provost, (and the town clerk, in the case of any municipal election, or of any parliamentary election where the mayor is returning officer,) the deputy returning officer or presiding officer, the poll clerk, and the inspectors of the several candidates (to be appointed as herein-after provided), and such voters as shall for the time being be actually voting; and every person, other than the persons aforesaid, who shall wilfully enter or intrude into such booth shall be guilty of a misdemeanor, and in Scotland of an offence punishable by fine and imprisonment: Provided that it shall at all times be lawful for the deputy returning officer or presiding officer acting in any booth to have present or to summon to his assistance in such booth any police constable or peace officer, acting within the jurisdiction in which such booth is situate, for the purpose of maintaining order, or of preserving the public peace or preventing any breach thereof, or of removing any person or persons who may, in the opinion of such deputy returning officer or presiding officer, be obstructing the polling or wilfully violating any of the provisions of this Act.

A.D. 1870.

Ballot box to be provided in each booth.

6. The returning officer, mayor, or provost shall cause to be provided at and for each polling booth a ballot box, with lock and key thereto, and having a narrow cleft or opening therein, capable of admitting a ballot card when folded as herein-after provided; which box shall be open for inspection and examination by the deputy returning officer or presiding officer, the poll clerk, and the inspectors (appointed to and present in such booth) immediately before the opening of the poll, and shall then be locked and sealed, in their presence, by such deputy returning officer or presiding officer, for the reception of the ballot cards. And during the polling such box shall remain so locked and sealed, and shall stand upon a table in the booth at which such deputy returning officer or presiding officer, poll clerk, and inspectors shall sit or be placed, and the key of such box shall remain and be in the sole custody of such deputy returning officer or presiding officer, who shall be responsible for the safe keeping thereof.

Mode of voting at elections.

Ballot cards to be delivered to every voter, previously initialled by deputy returning officer, &c.

Name of voter voting to be marked on the register.

7. At every such election, the deputy returning officer or presiding officer acting in any polling booth shall deliver to every voter entitled to vote in such booth (and not having previously voted at such election), who shall present himself for the purpose of voting, a ballot card; and, at the time of the delivery of such ballot card, such deputy returning officer or presiding officer shall, on the back thereof, legibly initial the same with his own initials, and in the case of a parliamentary election, such deputy returning officer shall also, in like manner, inscribe thereon, with invisible ink made of a solution of chloride of cobalt (to be provided for that purpose by the returning officer), the number upon the register of such voter; and thereupon, such deputy returning officer or presiding officer, or his poll clerk, shall place a mark or initials against the name of such voter, upon a certified copy of the register or of the list of voters entitled to vote in such booth, which mark or initials shall be primâ facie evidence of the identity of the person voting with the voter whose name shall be so marked or initialled, and of such voter having voted in such booth: Provided that such deputy returning officer or presiding officer, or his poll clerk, may, and shall if required, explain to any such voter the mode of voting, and the order and colours in which the names of the candidates are printed upon the ballot card. Every voter, immediately upon receiving a ballot card, shall retire alone to one of the balloting compartments, and shall there erase or strike out from his ballot card the name or names of the candidate or candidates for whom he does not intend to vote, and forthwith fold

Voter to strike out names of candidates for whom he does not vote.

the same across, in such manner as to conceal the names of the candidates; and shall then deliver such ballot card, so folded, to the deputy returning officer or presiding officer, who shall, without unfolding the same or in any way disclosing the names of the candidates or the erasures made by such elector, verify his initials upon the back thereof, and forthwith deposit the same in the ballot box, publicly in the presence of all persons entitled to be present and then present in such booth.

Ballot card to be folded and delivered to returning officer, &c., and deposited in ballot box.

8. Whilst any voter is in any balloting compartment preparing his ballot card, no other person shall be allowed to enter such balloting compartment, or to be in any position where he can observe which name or names such voter shall erase or strike out from his ballot card.

No person to be allowed to be in any balloting compartment with any voter.

9. Provided that in case any voter shall be blind, or shall satisfy the deputy returning officer or presiding officer that he is physically incapacitated from marking the ballot card, then such deputy returning officer or presiding officer shall accompany such voter to one of such compartments as aforesaid, and shall there assist such voter to erase or strike out from his ballot card the name or names of such candidate or candidates as such voter shall desire to have struck out, and to fold the same as herein-before directed. And such voter shall deliver his ballot card, so folded, to the deputy returning officer or presiding officer, who shall verify the initials thereon and deposit it in the ballot box, in manner herein-before directed.

Provisions in case of voters blind or physically incapacitated from marking the ballot card.

10. Provided also, that at every such election, any person whose name shall have been omitted from the register, in consequence of the decision of the person or persons who shall have revised the lists from which such register shall have been formed, may tender his vote at such election. And in case such tender shall be made, or in case the vote of any person duly registered shall have been received, and any other person shall afterwards tender his vote in respect of the same qualification, and shall duly answer the questions authorized by law to be put to any voter at the time of tendering his vote, then, and in every such case, the person so tendering his vote shall be permitted to vote in manner herein-before provided; but the deputy returning officer or presiding officer, upon receiving the ballot card of the person so permitted to vote, and before depositing it in the ballot box, shall inclose such ballot card in a sealed envelope, and shall inscribe thereon the name and address, or the number upon the register, of the person so permitted to vote, and also the word "tender."

Persons omitted from register may tender their votes.

Persons tendering votes in respect of qualifications already voted for.

Tenders to be received.

A.D. 1870.

Rejection of ballot cards.

11. Every ballot card which shall contain a greater number of names unerased or not struck out than the number of persons for whom each voter is legally entitled to vote, or which is so marked as to render it uncertain which name or names the voter intended to erase or strike out, or which is not duly initialled as herein-before provided, shall be rejected at the close of the poll.

Votes to be examined and counted up in each booth at close of the poll.

12. In every polling booth, the deputy returning officer or presiding officer shall, immediately after the closing of the poll, in the presence of his poll clerk, if any, and also of such of the inspectors appointed to act in such booth as shall be present, open the ballot box, and examine the ballot cards therein deposited, (except such as shall have been inclosed in sealed envelopes in manner herein-before provided); and shall count up and make a written statement, in words as well as figures, of the number of votes given for each candidate, and the number of the ballot cards inclosed in sealed envelopes as aforesaid, and of the ballot cards which have been rejected as herein-before provided; which statement shall be then and there signed by such deputy returning officer or presiding officer, and countersigned by his poll clerk, if any, and by such inspectors. And such deputy returning officer or presiding officer shall forthwith securely seal up all the ballot cards which shall have been used in such booth, and shall, with the least possible delay, cause the same, so sealed, together with such written statement as aforesaid, and also his certified register or list of voters, and all books and papers officially kept by him or his poll clerk during the polling, and the unused ballot cards and the ballot box, to be delivered to the returning officer, mayor, or provost: Provided that, at every parliamentary election, in case the deputy returning officer acting in any booth, and the inspectors who shall be present in such booth as aforesaid, are unable to agree as to the written statement to be made by such deputy returning officer, as herein-before directed, such deputy returning officer shall thereupon deposit the ballot cards in the ballot box and lock and reseal the same; and shall, together with his poll clerk and such inspectors, forthwith attend upon the returning officer and deliver to him the ballot box so locked and resealed. And the said returning officer shall then and there, in the presence of such deputy returning officer, poll clerk, and inspectors, open such ballot box and examine the ballot cards therein deposited (except as aforesaid), and shall count up and make and sign such written statement, as herein-before is mentioned, of the number of votes given for each candidate, and the number of the ballot cards or

Ballot cards to be sealed up and transmitted with statement and register, &c. to the returning officer, mayor, or provost.

tenders inclosed in sealed envelopes, and of the ballot cards which have been rejected as herein-before provided; and shall forthwith securely seal up the ballot cards which have been so examined and counted up.

Provisions relating to deputy returning officers to apply to returning officer acting in any booth.

13. All the provisions in this Act contained, relating to the duties and powers of a deputy returning officer, shall apply to and be observed and exercised by every returning officer who shall preside and act in any polling booth, at any parliamentary election.

Declaration of the poll.

14. At every parliamentary election, the returning officer, as soon as possible after he shall have received from every deputy returning officer at such election the sealed ballot cards and such statements as aforesaid of the number of votes given in each booth, shall cast up the total number of votes for each candidate, from such statements, without opening any sealed ballot cards; and shall, thereafter, openly declare the state of the poll, and make proclamation of the member or members chosen, in manner provided by the statutes in that behalf now in force. And at every municipal election, the name or names of the person or persons elected shall be ascertained and declared in manner provided by the statutes in that behalf now in force, without opening any ballot cards after they shall have been so sealed as herein-before provided.

Provisions for the safe custody of the sealed ballot cards.

15. All statutory provisions, at the time of the passing of this Act existing and in force, for or relating to the transmission and safe custody and preservation of the poll books of any parliamentary elections, or for or relating to the custody and preservation of voting papers, or of poll books, at any municipal elections, shall extend and apply respectively to the sealed ballot cards of every parliamentary or municipal election under this Act: Provided that such ballot cards shall be kept and preserved so sealed as aforesaid, and shall not be opened, examined, or inspected by any person whomsoever, save and except as next herein-after mentioned: Provided also, that in case any question shall at any time hereafter arise touching the number of votes given or alleged to have been given at any parliamentary election, or touching the validity of any such votes, or of any votes tendered at such election in manner herein-before provided, the ballot cards relating to such election shall and may be produced before any court of law or committee of the House of Commons, for the time being having jurisdiction to hear and decide such questions, and shall be by such court or committee opened, examined, and received in evidence; but such court or

A.D. 1870

committee shall not permit any ballot card to be identified unless and except the vote or votes thereby given shall have been previously adjudged and declared by such court or committee to be invalid.

Candidates may appoint an inspector in each booth.

16. At every election, it shall be lawful for any candidate, previous to the day fixed for the taking the poll at such election, to nominate and appoint an inspector on his behalf to attend in each or any of the polling booths at such election, for the purpose of detecting personation and of seeing whether the poll be duly taken according to the provisions of this Act; and such candidate shall give notice in writing, under his hand, to the deputy returning officer or presiding officer acting in each booth, of the name and address of the person so appointed by him to attend in such booth.

Persons charged with personation may be taken into custody.

17. If at the time any person tenders his vote at such election, or after he has voted, and before he leaves the polling booth, any such inspector so appointed as aforesaid shall declare to the deputy returning officer or presiding officer, acting in such booth, that he verily believes and undertakes to prove that the said person so voting is not in fact the person in whose name he assumes to vote, or to the like effect, then and in every such case it shall be lawful for such deputy returning officer or presiding officer, and he is hereby required immediately after such person shall have voted, by word of mouth to order any police constable or peace officer to take the said person so voting into his custody, which said order shall be a sufficient warrant and authority to the said constable or peace officer for so doing: Provided that nothing herein contained shall be construed or taken to authorize such deputy returning officer or presiding officer to reject the vote of any person who shall answer in the affirmative the questions authorized by law to be put to him at the time of tendering his vote, and shall take the oaths or make the affirmations authorized and required by law to be taken or made by him; but such deputy returning officer or presiding officer shall cause the words "protested against for personation" to be placed against the name of the person so charged with personation in the certified copy of the register.

Vote not to be rejected if questions answered in the affirmative.

Certain provisions of 6 Vict. c. 18. to apply to persons charged with personation under this Act.

18. The provisions contained in the eighty-seventh, eighty-eighth, and eighty-ninth sections of the Act of the sixth year of Her present Majesty, chapter eighteen, shall apply to the case of every person charged with personation, and taken into custody under the provisions herein-before contained, in the same manner in all respects as if the said sections of the said Act were contained

in and formed part of this present Act, and the word "inspector" were substituted for the word "agent" throughout such said sections. A.D. 1870.

Returning officer and others to make a solemn declaration.

19. Every returning officer, mayor, provost, deputy returning officer, presiding officer, poll clerk, and inspector, acting at any election under the provisions of this Act, shall, after his appointment and before the day fixed for the polling at such election, make and subscribe, before some justice of the peace acting within the county, borough, or place in and for which such election is held, a solemn declaration in the form of the Schedule B. to this Act annexed; and such solemn declaration shall be in addition to the oaths or declarations now by law required to be made and taken by any returning officer, and shall be in substitution for and in place of the oaths or declarations now by law required to be made and taken by any deputy returning officer or poll clerk.

Certain offences to be misdemeanors, &c., punishable by fine and imprisonment.

20. If, before, during, or after any election under the provisions of this Act, any person shall wilfully forge or imitate any ballot card, or vote or attempt to vote by means of any forged ballot card, or shall abstract, purloin, or take and carry away out of any polling booth any ballot card before the same shall have been marked by any voter as herein-before provided, or shall alter, deface, destroy, abstract, or purloin any ballot card after the same shall have been so marked, or shall make any mark, sign, or distinction on the back of the ballot card of any voter by means of which such ballot card may or can be afterwards recognized or identified (except as herein-before provided), or shall interfere or tamper with any ballot box during the hours of polling, or with any sealed ballot cards after the same have been so sealed as aforesaid, or (being a voter) shall wilfully display the names of the candidates upon his ballot card, or the erasures made by him on such ballot card, he shall be guilty of a misdemeanor, or in Scotland of an offence punishable by fine and imprisonment.

This Act not to extend to elections for the Universities.

21. Provided that nothing in this Act contained shall extend to or in anywise affect the election of members to serve in Parliament for the Universities of Oxford, Cambridge, London, Dublin, Edinburgh and St. Andrews, or Glasgow and Aberdeen.

Repeal of laws, statutes, &c. inconsistent with this Act.

22. All laws, statutes, customs, and usages now in force relating to any parliamentary or municipal elections shall be and the same are hereby repealed in so far only as they may be in any way inconsistent with the provisions of this Act, but in all other respects they shall remain in full force and effect, and this Act shall be read and construed along with the tenor thereof.

A.D. 1870.

SCHEDULES to which this Act refers.

SCHEDULE A.

FORM OF BALLOT CARD.

WAKEFIELD
BOROUGH ELECTION.

NOVEMBER 18*th*, 1868.

Names of the Candidates :

S. A. BEAUMONT.

T. K. SANDERSON.

The card to be made of unglazed white card-board, and to be perforated across the middle thereof, as shown by the dotted line. The names of the candidates to be printed in the strict alphabetical or dictionary order of their surnames, and in separate and distinct colours.

A.D. 1870.

SCHEDULE B.

Form of Solemn Declaration.

_____ Election.

I, *A.B.*, being duly appointed to act as at this election of a Member of Parliament for the [*or* of a for the (a)] to be held on the day of , do hereby solemnly, sincerely, and truly declare and affirm that I will well and truly assist in such my office at such election, and that I will not disclose to any person the names or numbers upon the register of the persons who have voted, and that I will not in any way whatsoever attempt to ascertain for whom any elector shall vote or has voted, and will not by word or action or otherwise howsoever directly or indirectly aid in or be party or privy to the discovery of the same. And that I will keep secret all knowledge of the person or persons for whom any elector has voted, which may come to me in the exercise of such my office.

Made and declared before me, this day of

_____

A Justice of the Peace acting in and for

(a) Or as the case may require.

Ballot.

A

B I L L

To provide for taking the Poll at Parliamentary and Municipal Elections by Ballot.

(*Prepared and brought in by Mr. Leatham, Mr. Hardcastle, Mr. Hibbert, and Sir Harcourt Johnstone.*)

Ordered, by The House of Commons, *to be Printed,* 14 *February* 1870.

[Bill 23.]

Under 2 *oz.*

A

B I L L

TO

Make provision in relation to certain Beerhouses not duly qualified according to Law. A.D. 1870.

WHEREAS in misapprehension of the provisions of an Act passed in the third and fourth years of the reign of Her present Majesty, chapter sixty-one, licenses and certificates for the sale of beer and cider have been granted in respect of houses not duly qualified as by the first section of the said Act is required:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Rating qualification and closing hours of beerhouses within township or hamlet separately maintaining its own poor. 3 & 4 Vict. c. 61. ss. 1, 15.

1. A dwelling house, if situated within a township separately maintaining its own poor, or within a hamlet separately maintaining its own poor, shall, for the purpose of determining by reference to population, in accordance with the first and fifteenth sections respectively of the said Act, the rating qualification and the closing hour applicable to such house as a house for the sale of beer or cider, be deemed to be within such township or hamlet, as the case may be, and not within any larger area of which such township or hamlet forms a part.

Restricted application of Act.

2. This Act shall apply exclusively to houses in respect of which licenses under Acts to permit the general sale of beer and cider by retail in England are in force at the time of the passing of this Act, and to such houses so long only as such licenses or any renewal thereof shall remain in force.

Short title.

3. This Act may be cited for all purposes as "The Beerhouse Act, 1870."

Beerhouses.

A

BILL

To make provision in relation to certain Beerhouses not duly qualified according to Law.

(Prepared and brought in by Mr. Secretary Bruce and Mr. Knatchbull-Hugessen.)

Ordered, by The House of Commons, *to be Printed,* 28 *July* 1870.

[Bill 248.]

Under 1 *oz.*

A

B I L L

TO

Render void the Sale of the next Presentation to a Benefice. A.D. 1870.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as The Benefices Act, 1870. Short title.

2. In this Act— Interpretation.

The term "benefice" includes dignity, prebend, and other ecclesiastical living:

The term "advowson" includes a share of an advowson:

The term "bishop" means bishop of the diocese in which a benefice is situate, and includes archbishop.

3. If any person, after the *thirty-first* day of *December one thousand eight hundred and seventy-one*, for any sum of money, reward, gift, profit, or advantage, directly or indirectly, or for or by reason of any promise, agreement, grant, bond, covenant, or other assurance of or for any sum of money, reward, gift, profit, or advantage, directly or indirectly, in his own name or in the name of any other person, procures or accepts the next presentation to a benefice in any of the modes following: Sale of next presentation by grant, demise, or contrivance, &c., void.

(1.) By grant or demise or agreement for grant or demise of the next presentation;

(2.) By grant or demise or agreement for grant or demise of the advowson of the benefice, or of any number of turns of presentation to the benefice, with or subject to any condition, limitation, proviso, covenant, agreement, bond, or other assurance for making void or determining the grant or demise, or for reconveyance or reassignment of the advowson or of any turn of presentation, at any time after the next avoidance of the benefice;

A.D. 1870.

(3.) By grant or demise or agreement for grant or demise of the advowson of the benefice, or of any number of turns of presentation to the benefice, at a time when the incumbent thereof is by reason of sickness in extreme danger of death, to the knowledge at that time of the person taking or agreeing for the grant or demise and of the other person or any of the other persons party or parties to the grant, demise, or agreement;

or by any device or contrivance whatever; and by virtue or under colour thereof presents to the benefice on the next avoidance thereof; then and in every such case such presentation, and any admission, institution, or induction on the same, shall be void in law; and the bishop shall collate to or bestow the benefice for that one turn only.

Provided, that in the case thirdly before mentioned nothing in this Act shall prejudicially affect the grant or demise or agreement for grant or demise, except as far as regards the next presentation.

Saving for existing settlements.

4. Provided further, that where before the passing of this Act a settlement of the advowson of a benefice has been made on marriage or for other valuable or good consideration, the next presentation thereto after the *thirty-first* day of *December one thousand eight hundred and seventy-one* may be disposed of as if this Act had not been passed.

Saving for sale of next presentations already purchased.

5. Provided also, that where before the passing of this Act any person has lawfully, for a valuable consideration or otherwise, procured or accepted the next presentation to a benefice, and an avoidance thereof does not happen until after the *thirty-first* day of *December one thousand eight hundred and seventy-one*, the next presentation after that day may be disposed of as if this Act had not been passed.

Saving for mortgages.

6. This Act shall not prejudicially affect a grant or demise or an agreement for a grant or demise of an advowson made or to be made in good faith, by way of mortgage or otherwise, as a security for money lent, or make void any presentation by a mortgagee of an advowson as trustee for the mortgagor.

Saving for options.

7. This Act shall not affect archbishops options, and the same may be disposed of as if this Act had not been passed.

Benefices.

A

BILL

To render void the Sale of the next Presentation to a Benefice.

(*Prepared and brought in by Mr. Cross, Viscount Sandon, Mr. Hibbert, and Mr. Birley.*)

Ordered, by The House of Commons, *to be Printed,* 23 *February* 1870.

[Bill 46.]

Under 1 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Render void the Sale of the next Presentation to a Benefice. A.D. 1870.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title. **1.** This Act may be cited as The Benefices Act, 1870.

Interpretation. **2.** In this Act—

The term "benefice" includes dignity, prebend, and other ecclesiastical living:

The term "advowson" includes a share of an advowson:

The term "bishop" means bishop of the diocese in which a benefice is situate, and includes archbishop.

Sale of next presentation by grant, demise, or contrivance, &c., void. **3.** If any person, after the thirty-first day of December one thousand eight hundred and seventy-one, for any sum of money, reward, gift, profit, or advantage, directly or indirectly, or for or by reason of any promise, agreement, grant, bond, covenant, or other assurance of or for any sum of money, reward, gift, profit, or advantage, directly or indirectly, in his own name or in the name of any other person, procures or accepts the next or any other presentation or nomination to a benefice in any of the modes following:

(1.) By grant or demise or agreement for grant or demise of the next or any other presentation or nomination;

(2.) By grant or demise or agreement for grant or demise of the advowson of the benefice, or of any number of turns of presentation or nomination to the benefice, with or subject to any condition, limitation, proviso, covenant, bond, or other assurance, or any agreement or understanding, whether in writing or otherwise, for making void or determining the grant or demise, or for reconveyance or reassignment of the advowson or of any turn of presentation or nomination, at any time after the next avoidance of the benefice;

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(3.) By grant or demise or agreement for grant or demise of the advowson of the benefice, or of any number of turns of presentation or nomination to the benefice, at a time when the incumbent thereof is by reason of sickness in extreme danger of death, to the knowledge at that time of the person taking or agreeing for the grant or demise and of the other person or any of the other persons party or parties to the grant, demise, or agreement;

or by any device or contrivance whatever; and by virtue or under colour thereof presents or nominates to the benefice on the next avoidance thereof; then and in every such case such presentation or nomination, and any admission, institution, or induction on the same, shall be void in law; and the bishop shall collate to or bestow the benefice for that one turn only.

Provided, that in the case thirdly before mentioned nothing in this Act shall prejudicially affect the grant or demise or agreement for grant or demise, except as far as regards the next presentation or nomination.

Saving for existing settlements.

4. Provided further, that where before the passing of this Act a settlement of the advowson of a benefice has been made by will, or in pursuance of directions contained in a will, or on marriage or, for other valuable or good consideration, the next presentation or nomination thereto after the thirty-first day of December one thousand eight hundred and seventy-one may be disposed of as if this Act had not been passed.

Saving for sale of next presentations already purchased.

5. Provided also, that where before the passing of this Act any person has lawfully, for a valuable consideration or otherwise, procured or accepted the next presentation or nomination to a benefice, and an avoidance thereof does not happen until after the thirty-first day of December one thousand eight hundred and seventy-one, the next presentation or nomination after that day may be disposed of as if this Act had not been passed.

Saving for mortgages.

6. This Act shall not prejudicially affect a grant or demise or an agreement for a grant or demise of an advowson made or to be made in good faith, by way of mortgage or otherwise, as a security for money lent, or affect any power of sale or other remedy contained in such grant, demise, or agreement, or make void any presentation by a mortgagee of an advowson.

Not to repeal ss. 12 & 13 of 32 & 33 Vict. c. 94.

7. This Act shall not be taken to repeal sections 12 and 13 of 32 & 33 Vict. c. 94.

Benefices.

A

B I L L

[AS AMENDED IN COMMITTEE]

To render void the Sale of the next Presentation to a Benefice.

(*Prepared and brought in by Mr. Cross, Viscount Sandon, Mr. Hibbert, and Mr. Birley.*)

Ordered, by The House of Commons, *to be Printed,* 24 *May* 1870.

[Bill 141.]

Under 1 *oz.*

A

B I L L

TO

Consolidate and amend the Laws relating to Benefit Building Societies. A.D. 1870.

WHEREAS it is expedient to consolidate and amend the law relating to benefit building societies:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as The Benefit Building Societies Act, 1870. Short title.

2. This Act shall extend to the United Kingdom, the Channel Islands, and the Isle of Man. Extent of Act.

3. This Act shall commence and take effect on the *first day of* [*January*] *one thousand eight hundred and seventy* [*one*]. Commencement of Act.

4. The registrar in this Act means (except where otherwise expressed) the registrar of friendly societies for the time being in England, Scotland, or Ireland, as the case may be. Definition of registrar.

5. The court in this Act means— Definition of court.

In England the county court of the district in which the place of meeting for the business of the society is situate;

In Scotland the sheriff's court of the county in which such place of meeting is situate; and

In Ireland the civil bill court within the jurisdiction of which such place of meeting is situate.

6. The Act of the sixth and seventh years of His late Majesty King William the Fourth, chapter thirty-two, intituled "An Act for the Regulation of Benefit Building Societies," is hereby repealed; but this repeal shall not affect the past operation of the said Act, or the force or operation, validity or invalidity, of anything done or suffered, or any bond or security given, or any right, title, obligation, or liability accrued, or any proceedings taken, there- Repeal of 6 & 7 W. 4. c. 32.

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under, or under the rules of any society certified and enrolled thereunder, before the commencement of this Act.

Societies under former Act to continue. 18 & 19 Vict. c. 63. s. 2.

7. Every society now subsisting whose rules have been certified and enrolled under the said Act shall be deemed to be a society under this Act, and its rules shall continue in force until altered or rescinded as herein-after mentioned.

Enrolments to be sent to registrar. 18 & 19 Vict. c. 63. s. 3.

8. On the commencement of this Act all transcripts of the rules of societies certified and enrolled under the said Act which are now filed with the rolls of the sessions of the peace of any county, riding or division, city or borough, liberty or place, shall be taken off the file, and transmitted to the registrar, to be by him kept and registered.

Purpose for which societies may be established. 6 & 7 W. 4. c. 32. s. 1.

9. Any number of persons may establish a society under this Act for the purpose of raising by the voluntary subscriptions of the members a stock or fund for enabling any member to receive out of the funds of the society the amount or value of his share or shares therein, by way of advance upon security of mortgage of real or leasehold estate.

Power to borrow.

10. Any society under this Act may receive deposits or loans, at interest, from the members or other persons, or from corporate bodies, joint stock companies, or Her Majesty's Loan Commissioners, to be applied to the purposes of the society; but no member of any society under this Act shall receive from the funds of the society any interest or dividend, by way of annual or other periodical profit upon his share, until the amount or value of his share is fully paid up or realized, or until he withdraws from the society according to its rules.

Rules to be made. 18 & 19 Vict. c. 63. s. 25.

11. The persons intending to establish a society under this Act shall transmit to the registrar two copies of the rules agreed upon by them for the government of the society, signed by three of such persons and by the intended secretary or other officer.

Matters to be set forth in the rules.

12. The rules of every society under this Act shall set forth,—

1. The name of the society and place or places of meeting for the business of the society:
2. The purposes to which the funds of the society are to be applied, and the manner in which they are to be invested:
3. The manner of altering and rescinding the rules of the society, and making additional rules:
4. The manner of appointing and removing the board of directors or committee of management, the trustees, and other officers,

and of recording minutes of the proceedings of such board or committee:

5. The manner of appointing auditors, and the times when they shall audit the accounts:

6. Whether disputes between the society and any of its members, or any person claiming by or through any member, or under the rules, shall be settled by reference to the court or to arbitration:

7. The powers and duties of the several officers:

8. The fines and forfeitures to be imposed on members of the society;

and in a schedule to the rules shall be set forth the form of receipt to be given by the trustees of the society upon payment of all moneys secured by any mortgage or further charge given by a member to the trustees.

Registration of rules.

13. The registrar shall examine the proposed rules transmitted to him of every society intended to be established under this Act, and if he finds that they contain the provisions by this Act required, and that the proposed name of the society is not the same as that of any society previously registered and still subsisting [in the same county], he shall return one copy of the rules to the secretary or other officer of the society, endorsed with an acknowledgment that the same has been registered, and shall retain the other copy. The society shall supply to any member requiring the same a complete printed copy of the rules, with a copy of the acknowledgment of registration appended thereto, and shall be entitled to charge for every such printed copy of rules a sum not exceeding *one shilling*.

Alteration of rules.

14. Every society under this Act rescinding or altering any rule, or making an additional rule, shall forward two copies of every resolution for rescission of a rule, and of every alteration of or addition to its rules, to the registrar, who shall return one of the copies to the secretary or other officer of the society, endorsed with an acknowledgment of registration, and retain the other copy.

Rules may be made to provide forms of conveyance, &c. 6 & 7 W. 4. c. 32. s. 3.

15. Any society under this Act, in a schedule to its rules, may describe the forms of conveyance, mortgage, transfer, agreement, bond, or other instrument necessary for carrying its purposes into execution.

Evidence of registration.

16. Any copy of registered rules certified by the registrar to be a true copy thereof shall be received as evidence of such rules, and a certificate by the registrar that any rule or alteration of a rule is registered under this Act shall be conclusive evidence that the same is so registered.

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Rules to be binding on members and others. 10 G. 4. c. 56. s. 8.

17. The registered rules of a society under this Act shall, so far as the same are in conformity with law and with the provisions of this Act, be binding on the several members and officers of the society, and the several contributors thereto, and all persons claiming on account of a member, or under the rules, all of whom shall be deemed and taken to have full notice thereof.

Change of name.

18. A society under this Act may change its name by resolution at a meeting called for the purpose, provided that the new name is not that of any society previously registered and still subsisting [in the same county].

Notice of the change of name shall be sent to the registrar and recorded by him. Such change shall not affect any right or obligation of the society, or of any member thereof or other person concerned.

Officers to give security.

19. Every officer of a society under this Act, if required by its rules to give security, shall, before taking upon himself the execution of his office, become bound with one sufficient surety, in a bond according to the form set forth in the schedule to this Act, or give the security of a guarantee society, in such penal sum as the society direct, conditioned for his just and faithful execution of his office, and for rendering a just and true account of all moneys received and paid by him on account of the society, at such times as its rules appoint, or as the trustees or committee or members of the society require him to do so.

Officers to account.

20. Every such officer, his executors or administrators, shall, upon demand made, or notice in writing given or left at his last or usual place of residence, in pursuance of any order of the society, give in his account at the usual meeting of the society, as may be required by the board of directors or committee of management thereof, to be examined and allowed or disallowed by the society, and shall, on the like demand or notice, pay over all the moneys remaining in his hands, and assign and transfer or deliver all securities and effects, books, papers, and property taken or standing in his name as aforesaid, or being in his hands or custody, to the trustees for the time being, or to such other person as the society shall appoint; and in case of any neglect or refusal to deliver such account, or to pay over such moneys, or to assign, transfer, or deliver such securities and effects, books, papers, and property, in manner aforesaid, the trustees may sue upon the bond, or may petition the court, who may proceed thereupon in a summary way, and make such order, upon hearing all parties concerned, as

to the court in its discretion shall seem just, which order shall be final and conclusive. A.D. 1870.

When trustees shall be absent, &c. registrar may order stock to be transferred. 18 & 19 Vict. c. 63. s. 36.

21. When any person, in whose name any stock, transferable at the Bank of England, is standing as a trustee of any society under this Act is absent from England, Ireland, or Scotland respectively, or ceases to be a trustee of the society, or becomes bankrupt or lunatic, or if it be unknown whether such person is living or dead, the registrar, on application in writing from the secretary or other officer of the society and three members thereof, and on proof satisfactory to him, may direct the transfer of the stock into the name of a new trustee, or the names of the trustees for the time being of the society, as the case requires; and such transfer shall be made by the surviving or continuing trustee or trustees, and if there is no such trustee, then by the proper officer at the Bank of England.

Property how recovered, if the officer die, or become bankrupt. 18 & 19 Vict. c. 63. s. 23.

22. If any person appointed to or employed in any office in a society under this Act, having in his possession or under his control, by virtue of his office, any money, property, deeds, or securities belonging to such society, dies or becomes bankrupt, or has any execution or attachment or other process issued against him or against any part of his property, or has any action or diligence raised against his lands, goods, chattels, or effects, or property or other estate, heritable or moveable, or makes any assignment, disposition, assignation, or other conveyance for the benefit of his creditors, then his heirs, executors, administrators, or assignees, and every other person having or claiming a right to his property, and the sheriff or other person executing such process, and the party using such action or diligence respectively, shall, upon demand in writing made by the trustees of the society, or any person appointed at some meeting of the society to make such demand, deliver and pay over all such moneys, property, deeds, and securities belonging to the society, to such person as the trustees shall appoint, and shall pay, out of the estate, assets or effects, heritable or moveable, of such officer, all sums of money due which such officer shall have received before any other of his debts are paid, and before any other claims upon him are satisfied, and before the money directed to be levied by such process as aforesaid, or which may be recovered or recoverable under such diligence, is paid over to the party issuing such process or using such diligence; and all such assets, lands, goods, chattels, property, estates, and effects shall be bound to the payment, discharge, and satisfaction of the claim of the society.

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Property of the society vested in trustees. 18 & 19 Vict. c. 63. s. 18.

23. All real and personal estate whatsoever belonging to any society under this Act shall be vested in the trustees for the time being, for the benefit of such society, and upon the death or removal of any trustee the same shall vest in the succeeding trustee for the same estate and interest as the former trustee had therein, and subject to the same trusts, without any conveyance or assignment whatsoever, save and except in the case of stocks and securities in the public funds of Great Britain and Ireland, which shall be transferred into the name of such new trustee, or of the trustees for the time being, as the case requires; and in all actions or suits or indictments, or summary proceedings before magistrates, touching or concerning any such property, the same shall be stated to be the property of the persons for the time being holding the said office of trustee, in their proper name or names, as trustees of the society, without any further description.

Actions, &c. by or against them. 18 & 19 Vict. c. 63. s. 19.

24. The trustees of a society under this Act are hereby authorized to bring or defend, or cause to be brought or defended, any action, suit, or prosecution in any court of law or equity, touching or concerning the property, right, or claim to property of the society; and shall, in all cases concerning the real or personal property of the society, sue and be sued, plead and be impleaded, in any court of law or equity, in their proper names, as trustees of the society, without other description; and no such action, suit, or prosecution shall be discontinued or shall abate by the death of any trustee or his removal from the office of trustee, but the same shall be proceeded in by or against the succeeding trustee as if such death or removal had not taken place; and such succeeding trustee shall pay or receive the like costs as if the action or suit or prosecution had been commenced in his name for the benefit of or to be reimbursed from the funds of the society.

Limitation of responsibility. 18 & 19 Vict. c. 63. s. 20.

25. No trustee of any society under this Act shall be liable to make good any deficiency in the funds of the society, but shall be liable only for the moneys actually received by him on account of the society.

On death of member, sum under 50*l.* may be paid without administration. 18 & 19 Vict. c. 63. s. 31.

26. When, on the death of any member of a society under this Act a sum of money not exceeding *fifty pounds* becomes payable, the same shall be paid by the trustees of the society to the person directed by the rules thereof, or nominated by the deceased, in writing deposited with the secretary (such person being the husband, wife, father, mother, child, brother or sister, nephew or niece of

such member); and in case there is no such direction or nomination, or the person so nominated has died before the deceased member, or in case the member has revoked such nomination, then such sum shall be paid to the person who shall appear to the said trustees to be entitled under the Statute of Distributions to receive the same, without taking out letters of administration in England or Ireland, and without confirmation in Scotland: Provided that wherever the trustees of the society, after the decease of any member thereof, have paid any such sum of money to any person who at the time of such payment appeared to such trustees to be entitled to the effects of a deceased member who had died intestate, without having appointed any nominee as aforesaid, the payment of such sum shall be valid and effectual with respect to any demand from any other person as next of kin of such deceased member, or as the lawful representative of such member, against the funds of the society or against the trustees thereof; but nevertheless such next of kin or representative shall have his lawful remedy for such money so paid as aforesaid against the person who has received the same.

Indemnity to trustees for payment to persons appearing to be next of kin declared valid.

27. If any officer, member, or other person, being or representing himself to be a member of a society under this Act, or the nominee, executor, administrator, or assignee of a member, or any person whatsoever, by false representation or imposition, obtains possession of any moneys, securities, books, papers, or other effects of the society, or having the same in his possession withholds or misapplies the same, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society, and authorized by the Act, he shall be liable on summary conviction to a penalty not exceeding *twenty pounds*, with costs not exceeding twenty shillings, and to be ordered to deliver up to the society all such moneys, securities, books, papers, or other effects to the society, or to repay the amount of money applied improperly, and in default of such delivery of effects, or repayment of such amount of money, or payment of such penalty and costs aforesaid, to be imprisoned, with or without hard labour, for any time not exceeding *three months;* but nothing herein contained shall prevent any such person from being proceeded against by way of indictment if a conviction has not been previously obtained against him for the same offence under the provisions of this Act.

Punishment of fraud in withholding money, &c.

28. A society under this Act may be wound up voluntarily by the votes or consent of five sixths of the members, to be testified by their signatures to the proposed plan of dissolution, which shall set

Proceedings necessary for the dissolution of a society.

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forth the intended appropriation and division of the funds and property of the society; or may be wound up compulsorily by the court, if the court shall so order, on the petition of any member authorized by a general meeting of the society to present the same on behalf of the society, or on the petition of any creditor, but not otherwise. General orders for regulating proceedings under this section may be from time to time made by the authority for the time being empowered to make general orders for the court. In the absence of such orders, the general orders for the time being regulating the winding-up of companies shall apply as far as may be to proceedings under this section. Notice of the commencement and termination of every winding-up, whether voluntarily or by the court, shall be sent to the registrar, and recorded by him.

Societies may unite with others, or one society may transfer its engagements to another. 18 & 19 Vict. c. 63. s. 14.

29. Any two or more societies under this Act may unite and become incorporated in one society, with or without any dissolution or division of the funds of such societies or either of them; or a society under this Act may transfer its engagements to any other such society, upon such terms as shall be agreed upon by the major part of the trustees, and also of the committee of management of both societies, or the majority of the members of each of such societies, at a general meeting convened for the purpose. Notice of every such union or transfer shall be sent to the registrar, and recorded by him.

Determination of disputes by arbitration.

30. Where the rules of a society under this Act direct disputes to be referred to arbitration, certain arbitrators shall be named and elected at a general meeting of the society, none of the said arbitrators being beneficially interested, directly or indirectly, in its funds, of whom a certain number, not less than three, shall be chosen by ballot in each such case of dispute, the number of the said arbitrators and mode of ballot being determined by the rules of the society, the names of such arbitrators shall be duly entered in the minute book of the society, and in case of the death, or refusal or neglect, of any of the said arbitrators to act, the society, at a general meeting, shall name and elect an arbitrator to act in the place of the arbitrator dying, or refusing or neglecting to act; and whatever award shall be made by the arbitrators or the major part of them, according to the true purport and meaning of the rules of the society, shall be binding and conclusive on all parties, and shall be final, to all intents and purposes, without appeal, and shall not be removed or removable into any court of law, or restrained or restrainable by the injunction of any court of equity; and should either of the said parties in dispute refuse or

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neglect to comply with or conform to the decision of the said arbitrators or the major part of them, the court, upon good and sufficient proof being adduced of such award having been made, and of the refusal of the party to comply therewith, shall enforce compliance with the same upon the petition of any person concerned.

Court may order compliance with the decision of arbitrators.

31. If it shall appear to the court, upon the petition of any person concerned, that application has been made to the society, or its officer, for the purpose of having any dispute so settled by arbitration, and that such application has not within *forty days* been complied with, or that the arbitrators have neglected or refused to make any award; and in any case of dispute where the rules of the society direct disputes to be referred to the court or to justices, the court may hear and determine the matter in dispute.

When court may determine dispute.

32. Every determination by the court under this Act of a matter in dispute shall be final and conclusive to all intents and purposes, and shall not be subject to appeal, and shall not be removed or removable into any court of law, or restrained or restrainable by the injunction of any court of equity.

Order of court to be final.

33. The trustees of a society under this Act, by the authority of the board of directors or committee of management of the society, may purchase, build, hire, or take upon lease any building for the purposes of the society, and may adapt and furnish the same, and may purchase or hold upon lease any land not exceeding one acre for the purpose of erecting thereon a building for conducting the business of the society, and such trustees shall thereupon hold the same in trust for the use of the society; and, with the like authority, such trustees may mortgage, sell, exchange, or let such land or building or any part thereof; and the receipt in writing of one of the trustees for the time being, shall be a legal discharge for the money arising from such mortgage, sale, exchange, or letting; and no mortgagee, purchaser, tenant, or assignee shall be bound to inquire into or ascertain or prove the authority aforesaid, to verify his title.

Buildings for the purpose may be purchased or leased. 18 & 19 Vict. c. 63. s. 16.

34. A person under the age of twenty-one may be admitted as a member of any society under this Act, the rules of which do not prohibit such admission, and may execute all necessary instruments and give all necessary acquittances; but during his nonage he shall not be competent to hold any office of director, trustee, treasurer, or manager of the society.

Minors may be elected as members. 18 & 19 Vict. c. 63. s. 15.

35. The rules of every society under this Act shall provide that the secretary or other officer thereof shall, once in every year at least, prepare or cause to be prepared a general statement of

Societies shall make annual audits and

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statements of the funds to the members. 10 G. 4. c. 56. s. 33.

the funds and effects of or belonging to the society, specifying the amount raised by the subscriptions on shares, and the amount raised by any other means, together with an account of all and every the various sums of money received and expended by or on account of the society since the publication of the preceding periodical statement; and every such periodical statement shall be attested by two or more members of the society, or other persons appointed auditors for that purpose, and shall be countersigned by the secretary or other officer; and every member shall be entitled to receive from the society a copy of such periodical statement, and a copy thereof shall be sent to the registrar within fourteen days after the annual or other general meeting at which it is presented.

Exemption from Stamp Duties. 10 G. 4. c. 56. s. 37.

36. No rules of any society under this Act, nor any copy thereof, nor any power, warrant, or letter of attorney granted or to be granted by any person as trustee of the society for the transfer of any share in the public funds standing in the name of such trustee, nor any receipts given for any dividend in any public stock or fund, or interest of exchequer bills, nor any receipt, nor any entry in any book of receipt, for money deposited in the funds of the society, nor for any money received by any member, his executors or administrators, assigns or attorneys, from the funds of the society, nor any transfer of any share or shares, nor any bond nor other security to be given to or on account of the society, or by any officer thereof, nor any draft or order, nor any form of assurance, nor any appointment of any agent, nor any certificate or other instrument for the revocation of any such appointment, nor any other instrument or document whatever required or authorized to be given, issued, signed, made, or produced in pursuance of this Act, or of the rules of the society, shall be subject or liable to or charged with any stamp duty or duties whatsoever.

Receipt endorsed on mortgage to be sufficient discharge without reconveyance. 6 & 7 W. 4. c. 32. s. 5.

37. When all moneys intended to be secured by any mortgage or further charge given by a member of a society under this Act to the trustees of the society have been fully paid and discharged, the trustees for the time being may endorse upon such mortgage or further charge a receipt in the form specified in the schedule to the rules of the society, and such receipt shall vacate the mortgage or further charge, and vest the estate of and in the property therein comprised in the person for the time being entitled to the equity of redemption, without any reconveyance whatever; and if the said mortgage or further charge has been registered under the Acts for the registration of deeds in Middlesex and Yorkshire, the registrar under those Acts respectively or his deputy shall, on production

of such receipt, make an entry, opposite the entry of the charge or mortgage, to the effect that such charge or mortgage is satisfied, and shall grant a certificate either on the said mortgage or charge, or separately, to the like effect, which certificate shall be received in evidence in all courts and proceedings without any further proof, and the registrar shall be entitled to a fee of *two shillings and sixpence* for making the said entry and granting the said certificate.

Penalty.

38. If any society hereafter formed under this Act, or any persons representing themselves to be a society under this Act, commence business without first obtaining an acknowledgment of registration under this Act, or if any society under this Act makes default in forwarding to the registrar any returns or information by this Act required, the trustees, secretary, or other officer of such society or pretended society shall be liable for every day business is so carried on, or for every such default, upon summary conviction before justices at the complaint of the registrar, to a penalty not exceeding *five pounds*.

A.D. 1870.

SCHEDULE.

Form of Bond.

Know all men by these presents, That we, *A.B.* of one of the officers of the Benefit Building Society, established at in the county of and *C.D.* of (as surety on behalf of the said *A.B.*) are jointly and severally held and firmly bound to *A.B.* of *C.D.* of and *E.F.* of the trustees of the said society, in the sum of to be paid to the said *A.B.*, *C.D.*, and *E.F.* as such trustees, or their successors, trustees for the time being, or their certain attorney, for which payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals. Dated the day of in the year of our Lord .

Whereas the above-bounden *A.B.* hath been duly appointed to the office of of the Benefit Building Society, established as aforesaid, and he, together with the above-bounden *C.D.* as his surety, have entered into the above-written bond, subject to the condition herein-after contained: Now therefore the condition of the above-written bond is such, that if the said *A.B.* shall and do justly and faithfully execute his said office, and shall and do render a just and true account of all moneys received and paid by him, and shall and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all securities and effects, books, papers, and property of or belonging to the said society in his hands or custody, to such person or persons as the said society shall appoint, according to the rules of the said society, together with the proper or legal receipts or vouchers for such payments, and likewise shall and do in all respects well and truly and faithfully perform and fulfil his said office, according to the rules of the said society, then the above-written bond shall be void and of no effect; otherwise shall be and remain in full force and virtue.

Benefit Building Societies.

A

BILL

To consolidate and amend the Laws relating to Benefit Building Societies.

(*Prepared and brought in by Mr. Gourley, Sir Roundell Palmer, Mr. Stevenson, and Mr. McCullagh Torrens.*)

Ordered, by The House of Commons, *to be Printed*, 3 *May* 1870.

[Bill 116.]

Under 2 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Consolidate and amend the Laws relating to Benefit Building Societies. A.D. 1870.

WHEREAS it is expedient to consolidate and amend the law relating to benefit building societies:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as The Benefit Building Societies Act, 1870.

Commencement of Act.

2. This Act shall commence and take effect on the first day of January one thousand eight hundred and seventy-one.

Definition of registrar.

3. The registrar in this Act means (except where otherwise expressed) the registrar of friendly societies for the time being in England, Scotland, or Ireland, as the case may be.

Definition of court.

4. The court in this Act means—

In England the county court of the district in which the place of meeting for the business of the society is situate;

In Scotland the sheriff's court of the county in which such place of meeting is situate; and

In Ireland the civil bill court within the jurisdiction of which such place of meeting is situate.

Repeal of 6 & 7 W. 4. c. 32.

5. The Act of the sixth and seventh years of His late Majesty King William the Fourth, chapter thirty-two, intituled "An Act for the Regulation of Benefit Building Societies," is hereby repealed; but this repeal shall not affect the past operation of the said Act or the force or operation, validity or invalidity, of anything done or suffered, or any bond or security given, or any right, title, obligation, or liability accrued, or any proceedings taken, thereunder, or under the rules of any society certified and enrolled thereunder, before the commencement of this Act.

Societies under former Act to continue. 18 & 19 Vict. c. 63. s. 2.

6. Every society now subsisting whose rules have been certified and enrolled under the said Act shall be deemed to be a society under this Act, and its rules shall continue in force until altered or rescinded as herein-after mentioned.

Enrolments to be sent to registrar. 18 & 19 Vict. c. 63. s. 3.

7. On the commencement of this Act, all transcripts of the rules of societies certified and enrolled under the said Act which are now filed with the rolls of the sessions of the peace of any county, riding or division, city or borough, liberty or place, shall be taken off the file, and transmitted by the clerk of the peace forthwith to the registrar, to be by him kept and registered.

Purpose for which societies may be established. 6 & 7 W. 4. c. 32. s. 1.

8. Any number of persons may establish a society under this Act for the purpose of raising by the voluntary subscriptions of the members a stock or fund for enabling any member to receive out of the funds of the society an advance upon security of freehold, copyhold, or leasehold estate, or heritable estate, by way of mortgage, conveyance, or bond and disposition in security.

Power to borrow.

9. Any society under this Act may receive deposits or loans, at interest, from the members or other persons, or from corporate bodies, joint stock companies, or Her Majesty's Loan Commissioners, to be applied to the purposes of the society.

Rules to be made. 18 & 19 Vict. c. 63. s. 25.

10. The persons intending to establish a society under this Act shall transmit to the registrar two copies of the rules agreed upon by them for the government of the society, signed by three of such persons and by the intended secretary or other officer.

Matters to be set forth in the rules.

11. The rules of every society hereafter established under this Act shall set forth,—

1. The name of the society and place or places of meeting for the business of the society:
2. The purposes to which the funds of the society are to be applied, and the manner in which they are to be invested:
3. The manner of altering and rescinding the rules of the society, and making additional rules:
4. The manner of appointing and removing the board of directors or committee of management, the trustees and other officers, and of calling general and special meetings of the members:
5. The manner of appointing auditors, and the times when they shall audit the accounts:
6. Whether disputes between the society and any of its members, or any person claiming by or through any member, or under the rules, shall be settled by reference to the court or to arbitration:

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7. The powers and duties of the several officers:

8. The fines and forfeitures to be imposed on members of the society;

and in a schedule to the rules shall be set forth the form of receipt to be given by the trustees of the society upon payment of all moneys secured by any mortgage or further charge, or conveyance absolute or in security.

Registration of rules.

12. The registrar shall examine the proposed rules transmitted to him of every society intended to be established under this Act, and if he finds that they contain the provisions by this Act required, and that the proposed name of the society is not substantially the same as that of any society previously registered and still subsisting [in the same town or county, or, if in the metropolis, within the metropolitan district], he shall return one copy of the rules to the secretary or other officer of the society, with an acknowledgment that the same has been registered, and shall retain the other copy. The society shall supply to any person requiring the same a complete printed copy of the rules, with a copy of the acknowledgment of registration appended thereto, and shall be entitled to charge for every such printed copy of rules a sum not exceeding one shilling.

Alteration of rules.

13. Every society under this Act rescinding or altering any rule, or making an additional rule, shall forward two copies of every resolution for rescission of a rule, and of every alteration of or addition to its rules, to the registrar, who shall return one of the copies to the secretary or other officer of the society, with an acknowledgment of registration, and retain the other copy.

Rules may be made to provide forms of conveyance, &c. 6 & 7 W. 4. c. 32. s. 3.

14. Any society under this Act, in a schedule to its rules, may describe the forms of conveyance, mortgage, transfer, agreement, bond, security for deposit or loan, or other instrument necessary for carrying its purposes into execution.

Evidence of registration. 18 & 19 Vict. c. 63. s. 30.

15. Any acknowledgment of registration or other document relating to a society under this Act, purporting to be signed by the registrar, shall, in the absence of any evidence to the contrary, be received by the court, and by all courts of law and equity and elsewhere, without proof of the signature.

Rules to be binding on members and others. 10 G. 4. c. 56. s. 8.

16. The rules of a society under this Act shall, so far as the same are in conformity with law and with the provisions of this Act, be binding on the several members and officers of the society, and the several contributors thereto, and all persons claiming on account of a member, or under the rules, all of whom shall be deemed and taken to have full notice thereof.

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Change of name.

17. A society under this Act may change its name by resolution of two thirds of the members present at a meeting called for the purpose, provided that the new name is not substantially the same as that of any society previously registered and still subsisting [in the same town or county, or if in the metropolis, within the metropolitan district].

Notice of the change of name shall be sent to the registrar and recorded by him. Such change shall not affect any right or obligation of the society, or of any member thereof or other person concerned.

Officers to give security.

18. Every officer of a society under this Act, if required by its rules to give security, shall, before taking upon himself the execution of his office, become bound with one sufficient surety, in a bond according to the form set forth in the schedule to this Act, or give the security of a guarantee society, in such penal sum as the society direct, conditioned for his just and faithful execution of his office, and for rendering a just and true account of all moneys received and paid by him on account of the society, at such times as its rules appoint, or as the trustees or committee or members in general meeting assembled of the society require him to do so.

Officers to account.

19. Every such officer, his executors or administrators, shall, upon demand made, or notice in writing given or left at his last or usual place of residence, give in his account as may be required by the board of directors or committee of management of the society, to be examined and allowed or disallowed by them, and shall, on the like demand or notice, pay over all the moneys remaining in his hands, and assign and transfer or deliver all securities and effects, books, papers, and property taken or standing in his name as aforesaid, or being in his hands or custody, to the trustees for the time being, or to such other person as the society shall appoint; and in case of any neglect or refusal to deliver such account, or to pay over such moneys, or to assign, transfer, or deliver such securities and effects, books, papers, and property, in manner aforesaid, the trustees may sue upon the bond, or may petition the court, who may proceed thereupon in a summary way, and make such order, upon hearing all parties concerned, as to the court in its discretion shall seem just, which order shall be final and conclusive.

Investment of surplus funds.

20. The trustees of any society under this Act may from time to time, as the rules direct, invest any portion of the surplus funds of the society upon real or leasehold securities, or in the public funds, or in or upon any parliamentary stock or securities, or in or upon any

stock or securities payment of the interest on which is guaranteed by authority of Parliament, or upon any other security, not being personal security, expressly authorised by the rules of the society.

When trustees shall be absent, &c. registrar may order stock to be transferred. 18 & 19 Vict. c. 63. s. 36.

21. When any person, in whose name any stock, transferable at the Bank of England or Bank of Ireland, is standing, either jointly with another or others, or solely, as a trustee of any society under this Act, is absent from England, Ireland, or Scotland respectively, or ceases to be a trustee of the society, or becomes bankrupt, or is discharged as an insolvent debtor, or becomes a lunatic, is dead, or if it be unknown whether such person is living or dead, the registrar, on application in writing from the secretary or other officer of the society and three members thereof, and on proof satisfactory to him, may direct the transfer of the stock into the names of the trustees for the time being of the society; and such transfer shall be made by the surviving or continuing trustee or trustees, and if there is no such trustee, or if such trustee or trustees shall refuse or be unable to make such transfer, and that the registrar shall so direct, then by the proper officer at the Bank of England or Bank of Ireland, as the case may be.

Property how recovered, if the officer die, or become bankrupt. 18 & 19 Vict. c. 63. s. 23.

22. If any person appointed to or employed in any office in a society under this Act, having in his possession or under his control, by virtue of his office, any money, property, deeds, or securities belonging to such society, dies or becomes bankrupt, or is discharged as an insolvent debtor, or has any execution or attachment or other process issued against him or against any part of his property, or has any action or diligence raised against his lands, goods, chattels, or effects, or property or other estate, heritable or moveable, or makes any assignment, disposition, assignation, or other conveyance for the benefit of his creditors, then his heirs, executors, administrators, or assignees, and every other person having or claiming a right to his property, and the sheriff or other person executing such process, and the party using such action or diligence respectively, shall, upon demand in writing made by the trustees of the society, or any person appointed at some meeting of the society to make such demand, deliver and pay over all such moneys, property, deeds, and securities belonging to the society, to such person as the trustees shall appoint, and shall pay, out of the estate, assets or effects, heritable or moveable, of such officer, all sums of money due which such officer shall have received before any other of his debts are paid, and before any other claims upon him are satisfied, and before the money directed to be levied by such process as aforesaid, or which may be recovered

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or recoverable under such diligence, is paid over to the party issuing such process or using such diligence; and all such assets, lands, goods, chattels, property, estates, and effects shall be bound to the payment, discharge, and satisfaction of the claim of the society.

Property of the society vested in trustees.
18 & 19 Vict. c. 63. s. 18.

23. All real and personal estate whatsoever belonging to or held as security by any society under this Act shall be vested in the trustees for the time being, for the benefit of such society, and upon the death or removal of any trustee the same shall vest in the succeeding trustee for the same estate and interest as the former trustee had therein, and subject to the same trusts, without any conveyance or assignment whatsoever, save and except in the case of stocks and securities in the public funds of Great Britain and Ireland, which shall be transferred into the name of such new trustee, or of the trustees for the time being, as the case requires; and in all actions or suits or indictments, or summary proceedings before magistrates, touching or concerning any such property, the same shall be stated to be the property of the persons for the time being holding the said office of trustee, in their proper name or names, as trustees of the society, without any further description.

Appointment of new trustees to be registered.

24. Every appointment of a trustee of a society under this Act made after the commencement of this Act shall be registered as an additional rule of the society.

Actions, &c. by or against them.
18 & 19 Vict. c. 63. s. 19.

25. The trustees of a society under this Act are hereby authorised to bring or defend, or cause to be brought or defended, any action, suit, or prosecution in any court of law or equity, touching or concerning the property, right, or claim to property of the society; and shall, in all cases concerning the real or personal property of the society, sue and be sued, plead and be impleaded, in any court of law or equity, in their proper names, as trustees of the society, without other description; and no such action, suit, or prosecution shall be discontinued or shall abate by the death of any trustee or his removal from the office of trustee, but the same shall be proceeded in by or against the succeeding trustee as if such death or removal had not taken place; and such succeeding trustee shall pay or receive the like costs as if the action or suit or prosecution had been commenced in his name for the benefit of or to be reimbursed from the funds of the society.

Limitation of responsibility.
18 & 19 Vict. c. 63. s. 20.

26. No trustee of any society under this Act shall be liable to make good any deficiency in the funds of the society, but shall be liable only for the moneys actually received by him on account of the society.

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On death of member, sum under 50*l.* may be paid without administration. 18 & 19 Vict. c. 63. s. 31.

27. When, on the death intestate of any member of a society under this Act a sum of money not exceeding fifty pounds becomes payable, the same shall be paid by the trustees of the society to the person directed by the rules thereof, or (where the rules allow of such nomination) nominated by the deceased, in writing deposited with the secretary (such person being the husband, wife, father, mother, child, brother or sister, nephew or niece of such member); and in case there is no such direction or nomination, or the person so nominated has died before the deceased member, or in case the member has revoked such nomination, then such sum shall be paid to the person who shall appear to the said trustees to be entitled under the Statute of Distributions to receive the same, without taking out letters of administration in England or Ireland, and without confirmation in Scotland: Provided that wherever the trustees of the society, after the decease of any member thereof, have paid any such sum of money to any person who at the time of such payment appeared to such trustees to be entitled to the effects of a deceased member who had died intestate, without having appointed any nominee as aforesaid, the payment of such sum shall be valid and effectual with respect to any demand from any other person as next of kin of such deceased member, or as the lawful representative of such member, against the funds of the society or against the trustees thereof; but nevertheless such next of kin or representative shall have his lawful remedy for such money so paid as aforesaid against the person who has received the same.

Indemnity to trustees for payment to persons appearing to be next of kin declared valid.

Punishment of fraud in withholding money, &c.

28. If any officer, member, or other person, being or representing himself to be a member of a society under this Act, or the nominee, executor, administrator, or assignee of a member, or any person whatsoever, by false representation or imposition, obtains possession of any moneys, securities, books, papers, or other effects of the society, or having the same in his possession withholds or misapplies the same, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society, and authorised by this Act, he shall be liable on summary conviction to a penalty not exceeding twenty pounds, with costs not exceeding twenty shillings, and to be ordered to deliver up to the society all such moneys, securities, books, papers, or other effects to the society, or to repay the amount of money applied improperly, and in default of such delivery of effects, or repayment of such amount of money, or payment of such penalty and costs aforesaid, to be imprisoned, with or without hard labour, for any time not exceeding three months; but nothing herein contained shall prevent

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any such person from being proceeded against by way of indictment if a conviction has not been previously obtained against him for the same offence under the provisions of this Act.

Proceedings necessary for the dissolution of a society.

29. A society under this Act may be wound up voluntarily by the votes or consent of five sixths of the members, to be testified by their signatures to the proposed plan of dissolution, which shall set forth the intended appropriation and division of the funds and property of the society; or may be wound up compulsorily by the court, if the court shall so order, on the petition of any member authorised by a general meeting of the society to present the same on behalf of the society, or on the petition of any creditor, but not otherwise. General orders for regulating proceedings under this section may be from time to time made by the authority for the time being empowered to make general orders for the court. In the absence of such orders, the general orders for the time being regulating the winding-up of companies shall apply as far as may be to proceedings under this section. Notice of the commencement and termination of every winding-up, whether voluntarily or by the court, shall be sent to the registrar, and recorded by him.

Societies may unite with others, or one society may transfer its engagements to another. 18 & 19 Vict. c. 63. s. 14.

30. Any two or more societies under this Act may unite and become incorporated in one society, with or without any dissolution or division of the funds of such societies or either of them; or a society under this Act may transfer its engagements to any other such society, upon such terms as shall be agreed upon by two thirds of the members of each of such societies, present at general meetings respectively convened for the purpose; but no such transfer shall prejudice any right of any creditor of the society transferring. Notice of every such union or transfer shall be sent to the registrar, and recorded by him.

Determination of disputes by arbitration.

31. Where the rules of a society under this Act direct disputes to be referred to arbitration, certain arbitrators shall be named and elected at a general meeting of the society, none of the said arbitrators being beneficially interested, directly or indirectly, in its funds, of whom a certain number, not less than three, shall be chosen by ballot in each such case of dispute, the number of the said arbitrators and mode of ballot being determined by the rules of the society, the names of such arbitrators shall be duly entered in the minute book of the society, and in case of the death, or refusal or neglect, of any of the said arbitrators to act, the society, at a general meeting, shall name and elect an arbitrator to act in the place of the arbitrator dying, or refusing or neglecting to act; and whatever award shall be made by the arbitrators or the

major part of them, according to the true purport and meaning of the rules of the society, shall be binding and conclusive on all parties, and shall be final, to all intents and purposes, without appeal, and shall not be removed or removable into any court of law, or restrained or restrainable by the injunction of any court of equity; and should either of the said parties in dispute refuse or neglect to comply with or conform to the decision of the said arbitrators or the major part of them, within a time to be limited in such award, the court, upon good and sufficient proof being adduced of such award having been made, and of the refusal of the party to comply therewith, shall enforce compliance with the same upon the petition of any person concerned. A.D. 1870.

Court may order compliance with the decision of arbitrators.

32. If it shall appear to the court, upon the petition of any person concerned, that application has been made to the society, or its officer, for the purpose of having any dispute so settled by arbitration, and that such application has not within forty days been complied with, or that the arbitrators have neglected or refused to make any award; and in any case of dispute where the rules of the society direct disputes to be referred to the court or to justices, the court may hear and determine the matter in dispute.

When court may determine dispute.

33. Every determination by the court under this Act of a matter in dispute shall be final and conclusive to all intents and purposes, and shall not be subject to appeal, and shall not be removed or removable into any court of law, or restrained or restrainable by the injunction of any court of equity.

Order of court to be final.

34. The trustees of a society under this Act, by the authority of the board of directors or committee of management of the society, may purchase, build, hire, or take upon lease any building for the purposes of the society, and may adapt and furnish the same, and may purchase or hold upon lease any land not exceeding one acre for the purpose of erecting thereon a building for conducting the business of the society, and such trustees shall thereupon hold the same in trust for the use of the society; and, with the like authority, such trustees may mortgage, sell, exchange, or let such land or building or any part thereof; and the receipt in writing of one of the trustees for the time being shall be a legal discharge for the money arising from such mortgage, sale, exchange, or letting; and no mortgagee, purchaser, tenant, or assignee shall be bound to inquire into or ascertain or prove the authority aforesaid, to verify his title.

Buildings for the purpose may be purchased or leased. 18 & 19 Vict. c. 63. s. 16.

35. A person under the age of twenty-one may be admitted as a member of any society under this Act, the rules of which do

Minors may be elected as members.

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18 & 19 Vict. c. 63. s. 15.

not prohibit such admission, and may execute all necessary instruments and give all necessary acquittances; but during his nonage he shall not be competent to hold any office of director, trustee, treasurer, or manager of the society.

Societies shall make annual audits and statements of the funds to the members. 10 G. 4. c. 56. s. 33.

36. The secretary or other officer of every society under this Act shall, once in every year at least, prepare or cause to be prepared a general statement of the funds and effects of or belonging to the society, and its liabilities and assets, specifying the amount raised by the subscriptions on shares, and the amount raised by any other means, together with an account of all and every the various sums of money received and expended by or on account of the society since the publication of the preceding general statement; and every such general statement shall be attested by two or more members of the society, or other persons appointed auditors for that purpose, and shall be countersigned by the secretary or other officer; and every member shall be entitled to receive from the society a copy of such general statement, and a copy thereof shall be sent to the registrar within fourteen days after the annual or other general meeting at which it is presented.

Exemption from Stamp Duties. 10 G. 4. c. 56. s. 37.

37. No rules of any society under this Act, nor any copy thereof, nor any power, warrant, or letter of attorney granted or to be granted by any person as trustee of the society for the transfer of any share in the public funds standing in the name of such trustee, nor any receipts given for any dividend in any public stock or fund, or interest of exchequer bills, nor any receipt, nor any entry in any book of receipt, for money deposited in the funds of the society, nor for any money received by any member, his executors or administrators, assigns or attorneys, from the funds of the society, nor any transfer of any share or shares, nor any bond nor other security to be given to or on account of the society, or by any officer thereof, nor any draft or order, nor any mortgage or form of assurance, nor any discharge or reconveyance of any security, nor any appointment of any agent, nor any certificate or other instrument for the revocation of any such appointment, nor any other instrument or document whatever required or authorised to be given, issued, signed, made, or produced in pursuance of this Act, or of the rules of the society, shall be subject or liable to or charged with any stamp duty or duties whatsoever.

38. Section eleven of the Act of the thirty-first and thirty-second years of Victoria, chapter one hundred and twenty-four, is hereby repealed.

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Receipt endorsed on mortgage to be sufficient discharge without reconveyance. 6 & 7 W. 4. c. 32. s. 5.

39. When all moneys intended to be secured by any mortgage or further charge or conveyance, whether absolute or in security, given to the trustees of a society under this Act, have been fully paid and discharged, the trustees for the time being may endorse upon or annex to such mortgage or further charge or conveyance a receipt in the form specified in the schedule to the rules of the society, and such receipt shall vacate the mortgage or further charge or debt, and vest the estate of and in the property therein comprised in the person for the time being entitled to the equity of redemption, without any reconveyance or resurrender whatever; and if the said mortgage or further charge has been registered under the Acts for the registration of deeds in Middlesex and Yorkshire, or in Ireland, or, if it has been recorded under the Record of Title Act, Ireland, the registrar under those Acts respectively, or his deputy or assistant registrar in Ireland, or the recording officer, as the case may be, or, in the case of copyholds or lands of customary tenure, if the mortgage or further charge has been entered on any court rolls, the steward of the manor or his deputy respectively, shall, on production of such receipt, verified by oath of one of the witnesses thereto, make an entry opposite the entry of the charge or mortgage, to the effect that such charge or mortgage is satisfied, and shall grant a certificate, either on the said mortgage or charge or separately, to the like effect, which certificate shall be received in evidence in all courts and proceedings without any further proof; and the registrar or recording officer shall be entitled to a fee of two shillings and sixpence for making the said entry and granting the said certificate, and such fee shall in Ireland be paid by stamps, and applied as the other fees of the Registry of Deeds Office and Record of Title Office are now by law directed to be paid and applied.

Penalty.

40. If any society hereafter formed under this Act, or any persons representing themselves to be a society under this Act, commence business without first obtaining an acknowledgment of registration under this Act, or if any society under this Act makes default in forwarding to the registrar any returns or information by this Act required, the trustees, secretary, or other officer of such society or pretended society shall be liable for every day business is so carried on, or for every such default, upon summary conviction before justices at the complaint of the registrar, to a penalty not exceeding five pounds.

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SCHEDULE.

Form of Bond.

Know all men by these presents, That we, *A.B.* of one of the officers of the Benefit Building Society, established at in the county of and *C.D.* of (as surety on behalf of the said *A.B.*) are jointly and severally held and firmly bound to *A.B.* of *C.D.* of and *E.F.* of the trustees of the said society, in the sum of to be paid to the said *A.B.*, *C.D.*, and *E.F.* as such trustees, or their successors, trustees for the time being, or their certain attorney, for which payment well and truly to be made we jointly and severally bind ourselves, and each of us by himself, our and each of our heirs, executors, and administrators, firmly by these presents, sealed with our seals. Dated the day of in the year of our Lord .

Whereas the above-bounden *A.B.* hath been duly appointed to the office of of the Benefit Building Society, established as aforesaid, and he, together with the above-bounden *C.D.* as his surety, have entered into the above-written bond, subject to the condition herein-after contained: Now therefore the condition of the above-written bond is such, that if the said *A.B.* shall and do justly and faithfully execute his said office, and shall and do render a just and true account of all moneys received and paid by him, and shall and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all securities and effects, books, papers, and property of or belonging to the said society in his hands or custody, to such person or persons as the said society shall appoint, according to the rules of the said society, together with the proper or legal receipts or vouchers for such payments, and likewise shall and do in all respects well and truly and faithfully perform and fulfil his said office, according to the rules of the said society, then the above-written bond shall be void and of no effect; otherwise shall be and remain in full force and virtue.

Benefit Building Societies.

A

BILL

[AS AMENDED IN COMMITTEE]

To consolidate and amend the Laws relating to Benefit Building Societies.

(*Prepared and brought in by*
Mr. Gourley, Sir Roundell Palmer,
Mr. Stevenson, and Mr. McCullagh Torrens.)

Ordered, by The House of Commons, *to be Printed,*
27 *July* 1870.

[Bill 243.]

Under 2 *oz.*

Board of Trade Bill.

ARRANGEMENT OF CLAUSES.

Clauses.		Provisions of former Acts.
	Preliminary.	
1.	Short title.	
2.	Definitions.	
	Constitution of Board.	
3.	Appointment and title of Board of Trade -	22 Geo. 3. c. 82. s. 15. 24 & 25 Vict. c. 47. s. 65.
4.	Office of President of Board of Trade - -	30 & 31 Vict. c. 112. 31 & 32 Vict. c. 48. 31 & 32 Vict. c. 49.
5.	Office of parliamentary secretary to the Board of Trade - - - - - - -	30 & 31 Vict. c. 72.
6.	Execution and signature of documents - -	17 & 18 Vict. c. 104. s. 7. 24 & 25 Vict. c. 47. s. 7. 31 & 32 Vict. c. 119. s. 39.
	Powers of Board of Trade.	
7.	Powers of Board of Trade - - -	22 Geo. 3. c. 82. 14 & 15 Vict. c. 64. 17 & 18 Vict. c. 120. s. 10.
	Acquisition and sale of land.	
8.	Vesting of property in Board of Trade - -	24 & 25 Vict. c. 47. s. 66.
9.	Power of Board of Trade to purchase and sell lands	24 & 25 Vict. c. 47. ss. 68, 69.
	Mercantile Marine Fund.	
10.	Mercantile Marine Fund - - -	17 & 18 Vict. c. 104. ss. 417, 418, 421, 428, 429.
11.	Exemption of Marine Mercantile Fund, Board of Trade, and lighthouse authorities from rates, taxes, and dues - - - - -	17 & 18 Vict. c. 104. ss. 430, 431. 25 & 26 Vict. c. 63. s. 48.
12.	Punishment for embezzlement - - -	25 & 26 Vict. c. 63. s. 16.

A

B I L L

TO

Consolidate and amend the law relating to the constitution and powers of the Board of Trade. A.D. 1870.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as The Board of Trade Act, 1870. Short title.

2. In this Act— Definitions.

The term "Admiralty" means the Lord High Admiral of the United Kingdom for the time being, or the Commissioners for the time being for executing the office of Lord High Admiral; and when the said term is used in reference to any other Act, it shall be taken to comprise any term whatsoever used in such other Act to designate such Lord High Admiral or Commissioners.

The term "the Lands Clauses Acts" means, with respect to England and Ireland, The Lands Clauses Consolidation Act, 1845, and any Act amending the same; and, with respect to Scotland, The Lands Clauses Consolidation (Scotland) Act, 1845, and any Act amending the same:

The term "land" includes any right in or over land.

Constitution of Board.

3. It shall be lawful for Her Majesty to appoint a Committee of Her Majesty's Privy Council, for the consideration of matters relating to Trade, to hold office during Her Majesy's pleasure. Appointment and title of Board of Trade. 22 G. 3. c. 82. s. 15. 24 & 25 Vict. c. 47. s. 65.

Such Committee are in this Act referred to, and may in all cases and for all purposes be described, by the official title of the Board of Trade; and every deed and contract, and every document and instru-

A.D. 1870.

ment whatsoever, wherein they are so described, without mention of the names of the Lords of the Committee, shall be as valid as if such Lords or any of them had been named therein.

Office of President of Board of Trade.

4. The office of President of the Board of Trade shall not render the person holding the same incapable of or liable to any penalty for being elected or sitting or voting as a member of the House of Commons; but if any member of the House of Commons accept the office of President of the Board of Trade, his seat shall (subject to the provisions of section fifty-two of the Representation of the People Act, 1867, section fifty-one of the Representation of the People (Scotland) Act, 1868, and section eleven of the Representation of the People (Ireland) Act, 1868,) be vacated, but he shall be eligible for re-election.

30 & 31 Vict. c. 112.
31 & 32 Vict. c. 48.
31 & 32 Vict. 3. 49.

Office of Parliamentary Secretary to the Board of Trade.

5. The said office of Parliamentary Secretary shall not render the person holding the same incapable of or liable to any penalty for being elected or sitting or voting as a member of the House of Commons, and if a member of the House of Commons accepts such office his seat shall not be vacated.

30 & 31 Vict. c. 72.

Execution and signature of documents.

6. Every document requiring to be executed or signed by the Board of Trade, or issued by or under the direction of the Board of Trade, may be in writing or print, or partly in writing and partly in print, and shall be valid if signed by the president or one of the secretaries or assistant secretaries of the Board of Trade, and, when requiring a seal, if sealed with the seal of the Board.

17 & 18 Vict. c. 104. s. 7.
24 & 25 Vict. c. 47. s. 7.
31 & 32 Vict. c. 119. s. 39.

Every document purporting to be so sealed or signed shall be received in evidence without proof of such seal or signature, and until the contrary is proved shall be deemed to have been so sealed and signed, and to have been executed or issued by the Board of Trade.

The term "document" in this section includes any instrument, deed, contract, receipt, order, warrant, regulation, byelaw, requisition, appointment, certificate, licence, consent, approval, notice, authority, or determination.

Powers of the Board of Trade.

Powers of the Board of Trade.

7. The Board of Trade may exercise and have such authorities, powers, jurisdictions, and rights, and shall perform such duties, as are by any Act for the time being in force vested in or directed to be performed by—

22 G. 3. c. 82.
14 & 15 Vict. c. 64.
17 & 18 Vict. c. 120. s. 10.

(1.) The Commissioners of Trade and Plantations suppressed by the Act of the twenty-second year of George the third, chapter eighty-two;

A.D. 1870.

(2.) The Committee of the Privy Council for Trade and Foreign Plantations, or the Board of Trade;

(3.) The Commissioners of Railways;

(4.) The Receiver General of Droits of Admiralty;

(5.) The Admiralty, either under sections seventeen of the Railways Clauses Consolidation Act, 1845, and the Railways Clauses (Scotland) Consolidation Act, 1845, or otherwise as mentioned in the Merchant Shipping Code (Conservancy Act) 1870;—

in the same manner in all respects as if they had been mentioned in such Act.

Acquisition and Sale of Land.

Vesting of property in Board of Trade. 24 & 25 Vict. c. 47. s. 66.

8. Lands before the passing of this Act purchased or taken by or in the name of any person, for the use of the Board of Trade, or transferred to and vested in the Board of Trade, or after the passing of this Act conveyed to the Board of Trade, or to any person for their use, shall vest in the persons for the time being constituting the Board of Trade, and upon those persons or any of them vacating their offices shall be transferred to and vested in their successors in office, in a perpetual succession; and shall be held by them and their successors in office in trust for Her Majesty, Her heirs and successors, for the public service.

Power of Board of Trade to purchase and sell lands. 24 & 25 Vict. c. 47. ss. 68, 69.

9. The Board of Trade may purchase any lands which they may require for the public service; and may from time to time sell or exchange any lands purchased by or vested in them, and for the purposes of any such purchase or sale the Lands Clauses Acts, except as to the purchase of lands otherwise than by agreement, shall be incorporated with this Act; and, for the purposes of the construction of those Acts in connexion with this section, this Act shall be deemed to be "the special Act," and the Board of Trade to be the promoters of the undertaking, and land shall be deemed to include any right in or over land.

The money to arise by any sale of land made by the Board of Trade shall be paid to such persons as the Board appoint; and a receipt signed by the Board shall be an effectual discharge to the purchaser.

Mercantile Marine Fund.

Mercantile Marine Fund. 17 & 18 Vict. c. 104.

10. There shall continue to be a common fund called the Mercantile Marine Fund, an account whereof shall be kept with Her Majesty's Paymaster General. There shall be carried to such fund

A.D. 1870.

ss. 417, 418, 421, 428, 429.

the payments and other sums in that behalf mentioned in the Merchant Shipping Code, 1870, and such fund shall be applied in payment of all charges subsisting thereon at the commencement of that Act, and of all expenses charged thereon by the provisions of the Merchant Shipping Code, 1870, and shall be applied to no other purpose whatever.

The accounts of the receipts and expenditure of the Mercantile Marine Fund shall be deemed to be public accounts within the meaning of the Exchequer and Audit Departments Act, 1866.

The Board of Trade shall, as soon as practicable after the meeting of Parliament in every year, cause the account of the Mercantile Marine Fund for the then preceding year to be laid before both Houses of Parliament.

Exemption of Mercantile Marine Fund, Board of Trade, and Lighthouse Authorities from rates, taxes, and dues.

17 & 18 Vict. c. 104. ss. 430, 431. 25 & 26 Vict. c. 63. s. 48.

11. All dues, fees, and payments accruing to or forming part of the Mercantile Marine Fund, and all lighthouses and sea marks, and all offices, premises, and property belonging to or occupied by any general lighthouse authority or by the Board of Trade, which are used or applied for the purposes of any of the services for which such dues, fees, and payments are received, and all instruments or writings used by or under the direction of any of the general lighthouse authorities or local marine boards, or the Board of Trade in carrying on the said services, shall be exempted from all public, parochial, and local taxes, duties, and rates of every kind. The persons in the employment of and the ships, boats, and goods belonging to or used by any of the general lighthouse authorities or the Board of Trade shall enter, resort to, and use all harbours in the United Kingdom without payment of dues of any kind.

Punishment for embezzlement.

25 & 26 Vict. c. 63. s. 16.

12. Any person appointed to any office or service by or under any local marine board, or appointed to collect any light dues receivable under the Merchant Shipping Code (Lighthouses Act), 1870, shall be deemed to be a clerk or servant within the meaning of section sixty-eight of the Act of the session of the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter ninety-six.

If any such person fraudulently applies or disposes of any chattel, money, or valuable security received by him whilst employed in such office or service for or on account of any local marine board or lighthouse authority, or for or on account of any other public board or department, to his own use or any use or purpose other than that for which the same was paid, entrusted to, or received by him, or fraudulently withholds, retains, or keeps back the same or any part thereof contrary to any lawful directions

or instructions which he is required to obey in relation to such office or service, he shall be deemed guilty of embezzlement within the meaning of the said section. A.D. 1870.

Any such person shall, on conviction of such offence as aforesaid, be liable to the same pains and penalties as are thereby imposed upon any clerk or servant for embezzlement.

In any indictment against such person for such offence it shall be sufficient to charge any such chattel, money, or valuable security as the property either of the board, authority, or department by which he was appointed, or of the authority, board, or department for or on account of which he may have received the same; and no greater particularity in the description of the property shall be required in such indictment in order to sustain the same, or in proof of the offence alleged, than is required in respect of an indictment or the subject matter thereof by section seventy-one of the said last-mentioned Act.

Board of Trade.

A

B I L L

To consolidate and amend the law relating to the constitution and powers of the Board of Trade.

(*Prepared and brought in by Mr. Shaw Lefevre and Mr. Stansfeld.*)

Ordered, by The House of Commons, *to be Printed,* 1 *March* 1870.

[Bill 56.]

Under 1 *oz.*

A

B I L L

TO

Disfranchise the Boroughs of Bridgwater and Beverley. A.D. 1870.

WHEREAS representations were made to Her Majesty, in joint addresses of both Houses of Parliament, to the effect that the judges selected in pursuance of The Parliamentary Elections Act, 1868, for the trial of the petitions complaining of undue elections and returns for the boroughs of Bridgwater and Beverley at the elections of members to serve in Parliament, respectively held for the said boroughs in the month of November one thousand eight hundred and sixty-eight, had respectively reported to the House of Commons, as to the said borough of Bridgwater that there was reason to believe that bribery extensively prevailed at the said election, and as to the said borough of Beverley that corrupt practices extensively prevailed at the said election:

And whereas, in pursuance of such representations, Commissioners were appointed under two several commissions, both dated the twenty-third day of June one thousand eight hundred and sixty-nine, for the purpose of making inquiry into the existence of such bribery and corrupt practices, in pursuance of the Act of Parliament passed in the sixteenth year of the reign of Her present Majesty, chapter fifty-seven, intituled "An Act to provide for the more "effectual inquiry into the existence of corrupt practices at elections "for members to serve in Parliament:"

And whereas the Commissioners so appointed reported to Her Majesty:

(1.) As respects the said borough of Bridgwater, that corrupt practices had extensively prevailed at the said election held in the said month of November one thousand eight hundred and sixty-eight, and at every preceding election for the borough of Bridgwater into which they had inquired, up to and inclusive of the earliest in date, that is to say, the general election held in the year one thousand eight hundred and thirty-one:

A.D. 1870.

(2.) As respects the said borough of Beverley, that corrupt practices had prevailed in Beverley at the election of March one thousand eight hundred and fifty-seven, and that corrupt practices had extensively prevailed in Beverley at the elections of the years one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty, one thousand eight hundred and sixty-five, and the said election of the year one thousand eight hundred and sixty-eight:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Disfranchisement of Bridgwater and Beverley.

1. That from and after *the passing of this Act* the boroughs of Bridgwater and Beverley shall respectively cease to return any member or members to serve in Parliament.

Persons reported guilty of bribery in Bridgwater disqualified as voters for the western division of Somerset in respect of qualification arising in said borough.

2. Whereas the Commissioners appointed for the purpose of making inquiry into the existence of corrupt practices in the said borough of Bridgwater, by their second report, dated the twentieth day of December one thousand eight hundred and sixty-nine, reported to Her Majesty that the persons named in the schedules marked (Y.) and (Z.) annexed to their said report had been guilty of giving or receiving bribes at the said election in the year one thousand eight hundred and sixty-eight: Be it enacted that none of the persons so named in the said schedules shall have the right of voting for the western division of the county of Somerset in respect of a qualification situated within the said borough of Bridgwater.

Persons reported guilty of bribery in Beverley disqualified as voters for the east riding of Yorkshire in respect of qualification arising in said borough.

3. Whereas the Commissioners appointed for the purpose of making inquiry into the existence of corrupt practices in the borough of Beverley, by their report, dated the twenty-ninth day of January one thousand eight hundred and seventy, reported to Her Majesty that certain persons named in the schedule annexed to their said report had been guilty of bribery, in either giving or receiving bribes, at the said election in the year one thousand eight hundred and sixty-eight or elections indicated in such schedule: Be it enacted that none of the persons so named in the said schedule as having been so guilty of bribery at the said election held in the year one thousand eight hundred and sixty-eight shall have the right of voting for the east riding of Yorkshire in respect of a qualification situated within the said borough of Beverley.

Bridgwater and Beverley Disfranchisement.

A

BILL

To disfranchise the Boroughs of Bridgwater and Beverley.

(*Prepared and brought in by Mr. Attorney General, Mr. Solicitor General, and Mr. Secretary Bruce.*)

Ordered, by The House of Commons, *to be Printed*, 8 *April* 1870.

[Bill 98.]

Under 1 *oz.*

LORDS AMENDMENT

TO THE

BRIDGWATER AND BEVERLEY DISFRANCHISEMENT BILL.

Note.—*The Page and Line refer to the Bill* (87.) *as first printed by the Lords.*

Preamble, page 2.

Line 4, after ("Beverley") insert ("at the election of August "one thousand eight hundred and fifty-seven and")

[Bill 166.]

LORDS AMENDMENT

TO THE

BRIDGWATER AND BEVERLEY DISFRANCHISEMENT BILL.

Ordered, by The House of Commons, *to be Printed*,
16 *June* 1870.

[Bill 166.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to make further provision for the Government of British Columbia. A.D. 1870.

WHEREAS in pursuance of the powers vested in Her Majesty by an Act passed in the session holden in the twenty-first and twenty-second years of Her Majesty's reign, intituled "An Act "to provide for the Government of British Columbia," Her Majesty did, by an Order in Council, bearing date the eleventh day of June one thousand eight hundred and sixty-three, constitute a Legislature consisting of the Governor and a Legislative Council in the said colony of British Columbia : Preamble. 21 & 22 Vict. c. 99.

And whereas by the British Columbia Act of 1866 Vancouver Island was united to British Columbia and made subject to the said Legislature, and the number of the Legislative Council was increased so as to provide for the representation of Vancouver Island :

And whereas it is expedient to alter the constitution of the said Legislature :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The British Columbia Government Act, 1870." Short title.

2. For the purposes of this Act, the term "Governor" shall mean the officer for the time being administering the government of British Columbia. Interpretation of term "Governor."

3. Her Majesty may, by any Order or Orders in Council, revoke the said recited Order in Council, and may from time to time make, and when made revoke or alter, Orders in Council for constituting a Legislature consisting of the Governor and a Legislative Council for the said colony, and may by any such Order make such provisions Power to Her Majesty by Order in Council to constitute a Legislature.

A.D. 1870.

and regulations respecting the constitution, powers, and proceedings of the said Legislature or either branch thereof, the number, the appointment, and election of the members of the Legislative Council, their tenure of office, and generally in respect to such Legislature or either branch thereof, as may seem to her expedient.

Power to Her Majesty to delegate certain powers to the Governor of British Columbia.

4. Her Majesty may from time to time, by any such Order or Orders in Council, empower the Governor of the said colony, with or without any conditions or restrictions, by proclamation, to determine the qualification of electors and of elective members of the Legislative Council, and to make provision for the division of the said colony into convenient electoral districts; for the registration of persons qualified to vote, and the compilation and revision of lists of all such persons; for the appointment of returning officers; for the issuing, executing, and returning the necessary writs for the election of members to the said Legislative Council; for taking the poll thereat, and determining the validity of all disputed returns; and generally for securing the orderly, effective, and impartial conduct of such elections, and to revoke any proclamation previously made.

British Columbia. [H.L.]

A

BILL

INTITULED

An Act to make further provision for the Government of British Columbia.

(*Brought from the Lords* 25 *July* 1870.)

Ordered, by The House of Commons, *to be Printed*, 3 *August* 1870.

[Bill 257.]

Under 1 *oz.*

A

B I L L

TO

Relieve the Brokers of the City of London from the supervision of the Court of Mayor and Aldermen of the said City. A.D. 1870.

WHEREAS by an Act of Parliament made in the sixth year of the reign of Queen Anne, intituled "An Act for repealing "the Act of the first year of King James the First, intituled 'An "'Act for the well garbling of spices and for granting an equi- "'valent to the city of London by admitting brokers,'" it was amongst other things enacted that from and after the determination of the then session of Parliament all persons that should act as brokers within the city of London and liberties thereof, should from time to time be admitted so to do by the court of mayor and aldermen of the said city for the time being under such restrictions and limitations for their honest and good behaviour as the said court should think fit and reasonable, and should upon such their admission pay to the chamberlain of the said city for the time being for the uses therein-after mentioned, the sum of forty shillings, and should also yearly pay to the said uses the sum of forty shillings upon the twenty-ninth day of September in every year; and it was further enacted that if any person or persons from and after the determination of the then session of Parliament should take upon him to act as a broker or employ any other under him to act as such within the said city and liberties not being admitted as aforesaid, every such person so offending should forfeit and pay to the use of the said mayor and commonalty and citizens of the said city for every such offence the sum of twenty-five pounds, to be recovered as in the said Act is mentioned:

And whereas by an Act (local and personal) made and passed in the fifty-seventh year of the reign of King George the Third, intituled "An Act for granting an equivalent for the diminution "of the profits of the office of gauger of the city of London, and "increasing the payments to be made by brokers," after reciting

A.D. 1870.

amongst other things the before-mentioned Act, it was amongst other things enacted that all persons that from and after the first day of July next after the passing of that Act should be admitted to act as brokers within the city of London and liberties thereof by the said court in pursuance of the said recited Act of Parliament should upon such their admission, over and above the sum of forty shillings required to be paid by the said recited Act, pay to the chamberlain of the said city for the time being the sum of three pounds, and should also yearly pay to the said chamberlain, over and above the said yearly sum of forty shillings required to be paid by the said recited Act, the sum of three pounds on the twenty-ninth day of September in every year; and it was amongst other things further enacted that so much of the said recited Act as imposed a penalty of twenty-five pounds upon any person who should take upon him to act as a broker, or employ any person under him to act as such not being admitted in pursuance of the said recited Act, should be and the same was thereby repealed; and that from and after the passing of the now reciting Act if any person should take upon him to act as a broker, or employ, or cause, permit, or suffer any person or persons to be employed with, under, or for him, to act as such within the said city and liberties, not being admitted in pursuance of the said recited Act, every such person so offending should forfeit and pay to the use of the mayor and commonalty and citizens of the said city for every such offence the sum of one hundred pounds, to be recovered as in the now reciting Act is mentioned:

And whereas the said court of mayor and aldermen of the said city (herein-after called "the court"), assuming to act by virtue of the powers conferred upon them by the said recited Acts, or one of them, or by virtue of some other authority, have from time to time made and established rules and regulations for the admission of brokers within the city of London and liberties thereof, and have imposed restrictions and limitations on the manner in which the persons whom they have admitted into the office and employment of a broker within the said city and liberties thereof were and are to carry on their business as brokers, and have exercised and claim a right to exercise jurisdiction and control over such brokers for the purpose of enforcing the observance of the said regulations, restrictions, and limitations:

And whereas the said court have also compelled every broker admitted by them to enter into a bond with sureties to be approved of by the said court for the due and just execution by the broker of his said office and employment, or in place of such sureties have required such broker to transfer into the joint names of himself and

the chamberlain of the said city, stock in the public funds to the nominal amount of one thousand pounds: A.D. 1870.

And whereas it is expedient to relieve the brokers of the city of London from the said regulations, restrictions, and limitations, and from the jurisdiction and supervision of the said court:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the "London Brokers Relief Act, 1870." Short title.

2. After the passing of this Act the jurisdiction, supervision, and control exercised and claimed by the said court over brokers in the said city of London and the liberties thereof shall cease, and the said court shall not have power to make or enforce any rules, orders, regulations, restrictions, limitations, or penalties affecting the admission of such brokers, or the manner in which their business shall be carried on. Jurisdiction of the court of aldermen over brokers to cease.

3. No bond or declaration of trust executed by any broker in pursuance of any rules, orders, or regulations heretofore in force, shall after the *passing of this Act* be put in suit or enforced, and all sums of stock transferred by way of security as aforesaid shall, from and after the *passing of this Act*, be held in trust for the broker transferring the same, and upon no other trust. No bond to be enforced so far as relates to jurisdiction of court over brokers.

4. Nothing in this Act contained shall prejudice any proceedings actually commenced before the *passing of this Act* upon any such bond or declaration of trust. Pending proceedings not to be prejudiced.

5. Except as herein expressly enacted, this Act shall not take away from the said court such right as they now have under the recited Acts to require brokers to be admitted, or affect the liability of brokers when admitted to pay to the chamberlain of the said city, for the uses mentioned in the said recited Acts respectively, the sums of forty shillings and three pounds on admission, and the yearly sums of forty shillings and three pounds, which are made payable by the said recited Acts respectively. Saving existing rights.

Brokers (City of London).

A

B I L L

To relieve the Brokers of the City of London from the supervision of the Court of Mayor and Aldermen of the said City.

(*Prepared and brought in by Mr. William Fowler, Mr. Morley, Mr. Eykyn, and Mr. Bowring.*)

Ordered, by The House of Commons, *to be Printed*, 14 *March* 1870.

[Bill 71.]

Under 1 *oz.*

A

B I L L

TO

Amend the Burial Laws. A.D. 1870.

WHEREAS it is expedient to amend the law of burial in England:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

After passing of Act notice may be given to incumbent of intention that burial shall take place in churchyard without the rites of Established Church, and either with or without any other religious service.

1. After the *passing of this Act*, any person or persons having the charge of, or being concerned in, the burial of a deceased person may give *forty-eight hours* notice in writing, by post or otherwise, to the rector, vicar, or other incumbent, or in his absence to the officiating minister in charge of any parish or ecclesiastical district, or at any place, or to any person appointed under this Act by any such rector, vicar, incumbent, or minister to receive such notice, that it is intended that such deceased person shall be buried within the churchyard or graveyard of such parish or ecclesiastical district without the service prescribed by law for the burial of the dead according to the rites of the Church of England, and either with or without any other religious service.

Time proposed for burial to be stated in notice, and to be subject to variation by incumbent within limited time.

2. Such notice shall state the time at which such burial is proposed to take place, and in case the time named in such notice be inconvenient, on account of some other service having been, previously to the receipt of such notice, appointed to take place in such churchyard or graveyard, or the church or chapel connected therewith, the person receiving the notice shall, unless some other day or time shall be mutually arranged between the parties respectively, within *twenty-four hours* from the time of receiving such notice signify in writing to the person from whom such notice has been received at which hour of the day named in the notice such burial shall take place, such hour to be within the hours of ten o'clock in the forenoon and six o'clock in the evening, if the burial

A.D. 1870.

shall happen between the *first day of April* and the *first day of October*, and within the hours of ten o'clock in the forenoon and four o'clock in the evening if the burial shall happen between the *first day of October* and the *first day of April*, and it shall be lawful for the burial to take place, and the same shall take place at the hour so appointed, in accordance with the notice.

Burial to take place in accordance with notice.

3. When no such intimation of change of hour is sent to the person from whom the notice has been received, then and in such case the burial shall take place in accordance with and at the time specified in the notice.

Access to be given to churchyard, and service may be conducted by authorized persons.

4. At any burial under this Act all persons shall have free access to the churchyard or graveyard in which the same shall take place, and any person or persons who shall be thereunto invited, or be authorized, by the person or persons having the charge of, or being concerned in, such burial may take part in any service or other religious act thereat.

All religious services to be conducted decently and solemnly.

5. All religious services under this Act shall be conducted in a decent and solemn manner, and every person guilty of any riotous, violent, or indecent behaviour at any burial under this Act, or wilfully obstructing such burial or any prayer or service offered or conducted thereat, shall be guilty of a misdemeanor.

This Act to give no person right of burial when he had no previous right.

6. Nothing in this Act shall authorize the burial of any person in any place where previously to the passing of this Act such person would have had no right of interment.

Accustomed burial fees to be paid to incumbent.

7. For every burial in any churchyard or graveyard under this Act the same fees shall be paid to the rector, vicar, incumbent, or any other person entitled to receive the same, as would have been payable to him or them if the office of the Church of England for the burial of the dead had been used at such interment.

Repair of churchyards may be charged to poor rate.

8. In order to maintain in decent condition any churchyard or graveyard which shall be for the time being used under this Act, and also for the necessary repair of the walls and other fences thereof, the churchwardens shall, once in every year, at its usual Easter meeting, lay before the vestry an account of the moneys expended for the aforesaid purposes during the year then last past, and unless there be some other fund legally chargeable with such costs and expenses the overseers shall, upon the resolution of the vestry to that effect, out of the rate made for the relief of the poor for the parish or place in which such churchyard or graveyard is

situate, repay to the churchwardens the moneys so expended by them.

Act not to apply to Scotland or Ireland.

9. This Act shall not apply to Scotland or to Ireland.

Short title of Act.

10. This Act may be cited as the "Burial Laws Amendment Act, 1870."

Burials.

A

BILL

To amend the Burial Laws.

(*Prepared and brought in by Mr. Osborne Morgan, Mr. Hadfield, and Mr. McArthur.*)

Ordered, by The House of Commons, *to be printed,* 10 *February* 1870.

[Bill 8.]

Under 1 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Amend the Burial Laws. A.D. 1870.

WHEREAS it is expedient to amend the law of burial in England:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

After passing of Act notice may be given to incumbent of intention that burial shall take place in churchyard without the rites of Established Church, and either with or without any other religious service.

1. After the passing of this Act, any person or persons having the charge of, or being concerned in, the burial of a deceased person, may give twenty-four hours notice in writing, endorsed on the outside with the words notice of burial, by post or otherwise, to the rector, vicar, or other incumbent, or in his absence to the officiating minister in charge of any parish or ecclesiastical district, or at any place, or to any person appointed under this Act by any such rector, vicar, incumbent, or minister to receive such notice, that it is intended that such deceased person shall be buried within the churchyard or graveyard of such parish or ecclesiastical district without the service prescribed by law for the burial of the dead according to the rites of the Church of England, and either with or without any other religious service; and no rector, vicar, incumbent, or officiating minister shall, after receiving such notice, be liable to any censure or penalty, ecclesiastical or civil, for permitting any such burial as aforesaid: Provided nevertheless that nothing herein contained shall authorize the performance by any clergyman of the Church of England of any burial service other than that of the Church of England.

Time proposed for burial to be stated in notice, and to be subject to variation

2. Such notice shall state the name of the minister or other person or persons who is or are to officiate at such religious service if any be intended to be solemnized, and the time at which such burial is proposed to take place, and in case the time named in such notice be inconvenient, on account of some other service

A.D. 1870.

by incumbent within limited time.

or burial having been, previously to the receipt of such notice, appointed to take place in such churchyard or graveyard, or the church or chapel connected therewith, the person receiving the notice shall, unless some other day or time shall be mutually arranged between the parties respectively, within eighteen hours from the time of receiving such notice signify in writing to the person from whom such notice has been received at which hour of the day named in the notice such burial shall take place, such hour to be within the hours of ten o'clock in the forenoon and six o'clock in the afternoon if the burial shall happen between the first day of April and the first day of October, and within the hours of ten o'clock in the forenoon and three o'clock in the afternoon if the burial shall happen between the first day of October and the first day of April, and it shall be lawful for the burial to take place, and the same shall take place at the hour so appointed, in accordance with the notice.

Burial to take place in accordance with notice.

3. When no such intimation of change of hour is sent to the person from whom the notice has been received, then and in such case the burial shall, subject to reasonable variation of, or addition to, the minister or other person or persons therein named, take place in accordance with and at the time specified in the notice.

Persons authorized or invited may take part in the service.

4. At any burial under this Act any person or persons who shall be thereunto invited, or be authorized, by the person or persons having the charge of, or being concerned in, such burial may take part in any service or other religious act thereat; provided always, that no person shall officiate at any such religious service who is not a minister or member of some religious body having a registered place for public worship.

All burials to be conducted decently and solemnly, and all services to be religious.

5. All burials under this Act shall be conducted in a decent and solemn manner, and all services under this Act shall be religious services, and every person guilty of any riotous, violent, or indecent behaviour at any burial under this Act, or wilfully obstructing such burial or any prayer or service offered or performed thereat, shall be guilty of a misdemeanor.

This Act to give no person right of burial when he had no previous right.

6. Nothing in this Act shall authorize the burial of any person in any place where previously to the passing of this Act such person would have had no right of interment.

Accustomed burial fees to be paid to incumbent.

7. For every burial in any churchyard or graveyard under this Act the same fees shall be paid to the rector, vicar, incumbent, or any other person entitled to receive the same, as would have been payable to him or them if the office of the Church of

England for the burial of the dead had been used at such interment. A.D. 1870.

Burials under this Act to be registered.

8. When any burial has taken place under this Act, the minister, or other person, who has conducted the religious service thereat, shall, on the same or on the next day, transmit a certificate of such burial in the form of Schedule (A.) annexed to this Act, to the rector, vicar, incumbent, or other officiating minister in charge of the parish or district in which the churchyard or graveyard is situate, or to which it belongs, who shall thereupon enter such burial in the register of burials as though it had been conducted according to the rites of the Church of England, and shall add to the entry the words "according to the certificate of " transmitted to me on the day of ."

And be it further enacted, that where there has been no religious service at such burial, a memorandum in the form of Schedule (B.) annexed to this Act shall be signed by the person or persons having the charge of, or being concerned in such burial, and by two persons attending the same, and such memorandum shall be forwarded on the same or the next day to the rector, vicar, incumbent, or other officiating minister as aforesaid, and shall be entered in the register of burials of the parish or district, and form a part thereof.

Graveyards may be provided by private benefaction under this Act.

9. After the passing of this Act, graveyards wholly or in part unconsecrated may be provided in any parish by private benefaction, and, after the approval of one of Her Majesty's Principal Secretaries of State, as to the fitness and extent of the land proposed to be given, may be accepted by the parish, or ecclesiastical district, in vestry assembled, for the purposes of this Act, and the same shall, subject to such approval and acceptance, be vested in the overseers for the time being of the poor of the parish in which such land is situate.

Vestry may charge fees for interment in such graveyards; such fees to be applied to the repair thereof.

10. The vestry shall charge such fees for the interment of any person in such graveyard as last aforesaid, as one of Her Majesty's Principal Secretaries of State may from time to time approve, and such fees shall form a fund towards keeping such graveyard in proper order and repair.

Incumbent and vestry to have control in the consecrated and unconsecrated parts of such graveyards respectively.

11. The incumbent of the parish shall, in any consecrated portion of such graveyard, have the same authority, as to the control over graves and tombstones, as he already may possess in the existing churchyard of the parish or district in which such graveyard is situate, and the vestry shall have the like authority in the unconsecrated portion.

A.D. 1870.

Burials under Act not to take place in certain cases.

12. No burial under this Act shall take place—

(1.) In any cemetery containing consecrated and unconsecrated ground, established or provided in any parish, under any Acts passed for providing public cemeteries:

(2.) In any churchyard or graveyard in any parish in which any such cemetery as aforesaid has been provided:

(3.) In a churchyard provided entirely by private benefaction, within the period of fifty years before the passing of this Act, and attached to a church erected in a parish or district formed within the same period, whenever the donor or donors, or his, her, or their legal personal representative or representatives, by any writing under his, her, or their hands, within three years after the passing of this Act, shall signify to one of Her Majesty's Principal Secretaries of State his, her, or their desire that such churchyard shall be exempted from the operation of this Act, and provided that there is in the original parish or parishes, out of which, or out of parts of which, such parish or district was formed, within two miles of such district churchyard, an existing churchyard or graveyard available for the purpose of burials under this Act, or any cemetery containing both consecrated and unconsecrated ground:

(4.) In the churchyard of any parish in which a graveyard has been provided under this Act as herein-before mentioned:

(5.) In the consecrated portion of any such graveyard as last aforesaid:

(6.) In any burial ground, consecrated or unconsecrated, given after the passing of this Act for the express purpose of having burial services performed therein according to the rites of the Church of England, the Church of Rome, or any other denomination:

Provided, nevertheless, that nothing in this section contained shall be construed to exclude the burial under this Act in any churchyard or graveyard intended to be exempted from the operation thereof of any person whose husband or wife, parent or child, brother or sister, shall have been buried in such churchyard or graveyard, or who shall have any private vault or grave therein.

Act not to apply to Scotland or Ireland.

13. This Act shall not apply to Scotland or to Ireland.

Short title of Act.

14. This Act may be cited as the "Burial Laws Amendment Act, 1870."

SCHEDULES to which this Act refers.

A.D. 1870.

SCHEDULE (A.)

I, , minister or member of the , do hereby certify that on the day of A.D. *A.B.* of aged was buried in the churchyard [*or* graveyard] of the parish [*or* district] of , and that the ceremony of burial was performed by me.

To the rector [*or as the case may be*] of

SCHEDULE (B.)

I, , of , having the charge of [*or* being concerned in] the burial of the deceased, and we of and of , two persons attending the same, do hereby declare that on the day of A.D. , *A.B.* of aged was buried in the churchyard [*or* graveyard] of the parish or district of .

To the rector [*or as the case may be*] of .

Burials.

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

To amend the Burial Laws.

(*Prepared and brought in by Mr. Osborne Morgan, Mr. Hadfield, and Mr. McArthur.*)

Ordered, by The House of Commons, *to be printed,* 10 *May* 1870.

[Bill 123.]

Under 1 *oz.*

A

B I L L

[AS AMENDED BY THE SELECT COMMITTEE]

TO

Make further Provision with respect to Burials in England and Wales.

WHEREAS it is expedient to amend the Laws relating to Burials in England and Wales in certain Cases: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows: Preamble.

1. From and after the passing of this Act the Officiating Minister of the Church of England in each and every Parish in England and Wales, upon Application made to him in Writing by the Relative having the Conduct of the Funeral of any Person entitled to Burial in such Parish for Permission for the Burial to take place without any Service, shall grant such Permission, and shall appoint some convenient Hour for such Burial. Officiating Minister shall grant Permission for Burial without Service.

2. The Officiating Minister of the Church of England in each and every Parish in England and Wales, upon Application made to him in Writing by the Relative having the Conduct of the Funeral of any Person entitled to Burial in such Parish, for Permission to have a Burial Service performed at the Grave of such deceased Person other Clause A. Officiating Minister may grant Permission to Minister not of the Church of England

[Bill 146.] of 1862.

to perform Service.

other than that of the Church of England, may, if he think fit, give such Permission as aforesaid; provided that such Application shall be in Writing, and be signed by the Applicant, and that it state that the Deceased was not a Member of the Church of England, and to what Religious Denomination he belonged; also the Name of the Minister of the same Denomination who it is proposed should officiate at such Burial; also the Description of the Service which is intended to be used at such Burial, and the Day, and between what Hours of such Day, it is proposed that such Burial should be performed; provided that such Service, if not according to a published Ritual, consist only of Prayers, Hymns, or Extracts from Holy Scripture.

CLAUSE B. Mode of giving Permission.

Proceeding in case of Refusal.

3. The said Officiating Minister shall, within Forty-eight Hours after Delivery to him or at his Abode of such Application, give, under his Hand, his Consent or Refusal, on Demand, and, if he shall Consent, shall appoint some convenient Hour for the Burial; but if such Permission as aforesaid be withheld, his Reasons for withholding the same shall, within One Week, be transmitted by the Officiating Minister to the Registrar of the Bishop of the Diocese in which such Burial Ground shall be situated, and shall be by him transmitted forthwith, signed by the Registrar of such Diocese, to Her Majesty's Principal Secretary of State for the Home Department.

CLAUSE C. Officiating Minister not to be liable to Censure or Penalties.

4. In any Case in which Permission has been asked or given under this Act, the said Minister shall not be liable to any Censure or Penalties, Ecclesiastical or Civil, for not using the Service of the Church of England.

CLAUSE D. Obstructing Burial deemed a Misdemeanor.

5. After such Permission granted, any Person or Persons disturbing or interrupting the Burial shall be deemed guilty of a Misdemeanor.

CLAUSE E. Extent of the Act.

6. So far as regards any Permission to use any Burial Service other than that of the Church of England, this Act shall not extend to the consecrated Part of any Public Cemetery containing both consecrated and unconsecrated Ground.

Burials.

A

BILL

[AS AMENDED BY THE SELECT COMMITTEE]

To make further Provision with respect to Burials in England and Wales.

(*Prepared and brought in by Sir Morton Peto and Sir Charles Douglas.*)

Ordered, by The House of Commons, *to be Printed*, 3 *June* 1862.
And to be Reprinted 28 *March* 1870.

(*0.136.*)
[Bill 146.] of 1862.

Under 1 *oz.*

A

B I L L

TO

Authorise the Commissioners of Her Majesty's Treasury to guarantee the payment of a loan to be raised by the Government of Canada for the construction of fortifications in that country. A.D. 1870.

WHEREAS by an Act of the Parliament of Canada of the year 1868, chapter forty-one, the Governor in Council was authorized to raise by way of loan upon the guarantee of the Commissioners of Her Majesty's Treasury (in this Act referred to as "the Treasury"), for the purpose of the construction of the fortifications therein mentioned, sums not exceeding one million one hundred thousand pounds, and the sums so raised, with the interest thereon, and such sums as might be necessary to repay the said loan, either by way of a sinking fund, not exceeding one per cent., or in such other way and subject to such conditions as the Governor in Council, with the assent of the Treasury, might determine, were charged on the Consolidated Revenue Fund of Canada next after the appropriation for the construction of the Intercolonial Railway:

And whereas it is expedient to authorize the Treasury to give such guarantee:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Canada Defences Loan Act, 1870." Short title.

2. The Treasury may guarantee, in such manner and form as they think fit, the payment of the principal of any loan raised by the Government of Canada in pursuance of the said Act, and of interest thereon at a rate not exceeding *four per cent.* Power of Treasury to guarantee loan.

3. The Treasury shall not give any guarantee under this Act unless and until provision is made to the satisfaction of the Treasury— Conditions of guarantee.

A.D. 1870.

(1.) For the due payment, custody, and application of the money raised by the loan, in such manner as the Treasury from time to time direct:

(2.) For remitting to the Treasury the annual sums for the sinking fund by equal half-yearly payments, in such manner as the Treasury from time to time direct, and for the investment and accumulation thereof, under their direction, in the names of four trustees nominated from time to time, two by the Treasury and two by the Government of Canada.

Application of sinking fund.

4. The said sinking fund may be invested only in such securities as the Government of Canada and the Treasury from time to time agree upon, and shall, whether invested or not, be applied from time to time, under the direction of the Treasury, in discharging the principal of the said loan; and the interest arising from such securities (including the interest accruing in respect of any part of the loan discharged by means of the sinking fund), and the resulting income thereof, shall be invested and applied as part of such sinking fund.

Alteration of Act relating to guaranteed loan.

5. Every Act passed by the Parliament of Canada which in any way impairs the priority of the charge upon the Consolidated Revenue Fund of Canada created by that Parliament of the said loan and the interest and sinking fund thereof, and the sums paid out of the Consolidated Fund of the United Kingdom, and the interest thereon, shall, so far only as it impairs such priority, be void, unless such Act has been reserved for the signification of Her Majesty's pleasure.

Issue out of Consolidated Fund.

6. The Treasury are hereby authorized to cause to be issued from time to time out of the growing produce of the Consolidated Fund of the United Kingdom such sums of money as may at any time be required to be paid to fulfil the guarantee under this Act in respect either of principal or interest.

Certificate of amount paid out of Consolidated Fund.

7. The Treasury may from time to time certify to one of Her Majesty's Principal Secretaries of State the amount which has been paid out of the Consolidated Fund of the United Kingdom to fulfil the guarantee under this Act, and the date of such payment; such certificate shall be communicated to the Governor of Canada, and shall be conclusive evidence of the amount having been so paid and of the time when the same was so paid.

Accounts to be laid before Parliament.

8. The Treasury shall cause to be prepared, and laid before both Houses of Parliament, a statement of any guarantee given under this Act, and an account of all sums issued out of the Consolidated

Fund of the United Kingdom for the purposes of this Act, within one month after the same are so given or issued, if Parliament be then sitting, or, if Parliament be not sitting, then within fourteen days after the then next meeting of Parliament.

Canada (Guarantee of Loan).

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B I L L

To authorise the Commissioners of Her Majesty's Treasury to guarantee the payment of a loan to be raised by the Government of Canada for the construction of fortifications in that country.

(*Prepared and brought in by Mr. Dodson, Mr. Chancellor of the Exchequer, and Mr. Stansfeld.*)

Ordered, by The House of Commons, *to be Printed*, 19 *July* 1870.

[Bill 225.]

Under 1 *oz.*

A

B I L L

TO

Provide a Court of Appeal for persons convicted of Capital Offences in certain cases. A.D. 1870.

WHEREAS it is expedient to give to persons receiving sentence of death an appeal against error in fact as well as in law, and to provide upon such appeal for a public inquiry before a regularly constituted tribunal:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Person convicted of capital offence entitled to appeal if judge certify the appeal to be proper.

1. Any person who, having been convicted of a capital offence, shall be liable to or shall have received judgment of death, shall be entitled to an appeal as herein-after mentioned, if the judge who tried the case, or failing him such other judge as herein-after mentioned, shall certify under his hand that such appeal is necessary and proper.

In what cases judge shall certify the appeal;

2. The judge shall certify for such appeal if he is satisfied, upon affidavits, either

That some facts not brought forward at the trial might, if proved, have obtained an acquittal of the prisoner on the ground of insanity; or

That some facts exculpatory of the prisoner have been discovered since the trial, which if proved at such trial might have affected the verdict.

Secretary of State, on receiving the statement of appeal from the judge, to summon the court of appeal.

3. In the case of any such appeal a statement of the same, with the grounds thereof, shall be lodged with the judge who tried the case, or, in the case of his death or inability to receive the same, then with the judge or commissioner next to him in the commission for such assizes, within *six days* from the finding of the verdict or from the passing of sentence, and such judge shall, within *four days* from the receipt thereof, forward the same to Her Majesty's Secretary of State for the Home Department, or (failing him) to one

A.D. 1870.

of the other Principal Secretaries of State, and such Secretary of State shall forthwith summon the court herein-after provided for the hearing of the said appeal.

In what manner court of appeal shall be nominated yearly.

4. Such court shall be nominated, for the year next ensuing, in *the first week of Hilary Term* in each year, by the Secretary of State for the Home Department, and by the chief judges of the three superior courts of common law, who shall meet for the purpose of such nomination; and there shall be nominated to the said court any *six* of the judges of the superior courts of common law, and *six* other members of the judicial committee of the Privy Council.

Constitution of court of appeal.

5. Such court when assembled shall sit at Westminster or at such other place as the Secretary of State shall appoint, and shall consist of not less than three of the judges of the superior courts of common law, and three members of the judicial committee of the Privy Council so nominated as aforesaid, and they shall hold their sittings at any time *within four days* of the issuing of the summons from such Secretary of State as herein-before mentioned, and shall there inquire into any matters of law or of fact, and shall have power to examine witnesses upon oath, and to receive affidavits, and to send for the notes of the judge who tried the case, and to send for letters and papers, and to hear counsel upon both sides thereon, and they shall report to Her Majesty as to a free pardon, or as to a commutation of the sentence, or as to the carrying out of the same, or otherwise as to them shall seem just and right.

Saving the prerogative of mercy in the Crown.

6. Provided always, that nothing in this Act contained shall be construed so as to affect the right of Her Majesty, her heirs and successors, to the prerogative of mercy inherent in the Crown of the realm.

Capital Sentences (Court of Appeal).

A

BILL

To provide a Court of Appeal for persons convicted of Capital Offences in certain cases.

(*Prepared and brought in by Sir George Jenkinson, Mr. Staveley Hill, and Mr. Wren-Hoskyns.*)

Ordered, by The House of Commons, *to be Printed,* 23 *March* 1870.

[Bill 85.]

Under 1 *oz.*

A

B I L L

TO

Amend "The Cattle Disease Act (Ireland), 1866." A.D. 1870.

WHEREAS it is expedient to amend "The Cattle Diseases Act (Ireland), 1866:"

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Extension of provisions of Cattle Disease Act (Ireland) 1866, relating to providing and applying fund for extinguishing Rinderpest, to all cases of contagious or infectious Cattle Disease.

1. The provisions of sections ten, eleven, and twelve of the said "Cattle Disease Act (Ireland), 1866," relating to the providing a fund for the purposes in section ten of the said Act mentioned, in case the Cattle Disease known as the Rinderpest should appear in Ireland, and to the application of such fund, shall extend and apply to the providing and application of a fund for all or any of the additional purposes following; (that is to say,)

(1.) For preventing the introduction into Ireland of the cattle disease known as the "cattle plague," or "rinderpest"; and,

(2.) For preventing the introduction into Ireland, the occurrence or the spreading therein, of any infectious or contagious disease of cattle, sheep, swine, or other animals.

Power to Lord Lieutenant and Privy Council to make rules to carry Act into effect.

2. The Lord Lieutenant, by and with the advice of Her Majesty's Privy Council in Ireland, may, from time to time, make such orders as they may think expedient for all and any of the purposes following; (that is to say,)

For insuring for animals brought by sea to ports in Ireland a proper supply of food and water during the passage and on landing:

For protecting such animals rom unnecessary suffering during the passage and on landing:

A.D. 1870.

For protecting animals from unnecessary suffering during inland transit:

For prohibiting or regulating the movement of animals, and the removal of dead animals or parts thereof, and of hay, straw, litter, dung, and other things likely to spread contagious or infectious diseases among animals:

For requiring the cleansing and disinfecting of yards, sheds, stables, fields, and other premises:

For regulating the disposal of animals dying while affected with a contagious or infectious disease:

For requiring notice of the appearance of any such disease among animals:

For prohibiting or regulating the holding of markets, fairs, exhibitions, or sales of animals:

And generally any orders whatsoever which they think it expedient to make for the better execution of this Act, or for the purpose of in any manner preventing the introduction or spreading of contagious or infectious disease among animals in Ireland (whether any such orders are of the same kind as the kinds enumerated in this section or not), and may in any such order direct or authorise the slaughtering of animals that are affected with any contagious or infectious disease, or that have been in contact with animals so affected; and may in any such order direct or authorise the payment of compensation for any animals so slaughtered; and may in any such order impose penalties for offences against the same, not exceeding the sum of *twenty pounds* for any such offence, and so that in every such order provision be made that a penalty less than the maximum may be ordered to be paid; and this section shall extend to horses and all ruminating animals not within the definition of animals in this Act.

Every such order shall have the like force and effect as if it had been enacted by this Act.

Steamboat company and other companies to cleanse and disinfect, &c.

3. Every steamboat company, railway company, and other company, and every person carrying animals for hire to or from or in any part of Ireland, shall thoroughly cleanse and disinfect in such manner as the Lord Lieutenant, by and with the advice of Her Majesty's Privy Council in Ireland, from time to time by order may direct, all steamers, vessels, boats, pens, carriages, trucks, horse boxes, and vehicles used by such company or person for the carrying of animals.

If any company or person on any occasion fails to comply with the requisitions of any such order, such company or person shall

on every such occasion be deemed guilty of an offence against this Act. A.D. 1870.

Water and food to be provided by railway companies.

4. Every railway company shall make a provision, to the satisfaction of the Lord Lieutenant and Her Majesty's Privy Council in Ireland, of water and food, or either of them, at such stations as they from time to time, by general or specific description, direct for animals carried or about to be, or having been carried on the railway of the company; and such water and food, or either of them, shall be supplied to any such animal by the company carrying it, on the request in writing of the consignor thereof, or on the request of any person in charge thereof; and the company so supplying water and food, or either of them, may make in respect thereof such reasonable charges, if any, as the Lord Lieutenant and Her Majesty's Privy Council in Ireland may by order approve, in addition to such charges as they are for the time being authorised to make in respect of the carriage of animals; and the amount of such additional charges accrued due in respect of any animal shall be a debt from the consignor and from the consignee thereof to the company, and shall be recoverable by the company from either of them, by proceedings in any court of competent jurisdiction, and the company shall have a lien for the amount thereof on the animal in respect of which the same accrued due, and on any other animal at any time consigned by the same person to be carried by the company:

If any company on any occasion fails to comply with the requirements of this section they shall, on every such occasion, be deemed guilty of an offence against this Act. If in the case of any animal such a request as aforesaid is not made, so that the animal remains without a supply of water for a longer time than twelve consecutive hours, the consignor, and the person in charge of the animal, shall each be deemed guilty of an offence against this Act; and it shall lie on the person accused to prove the time within which the animal has had a supply of water.

Animals landed in contravention of order to be forfeited.

5. If any person lands or attempts to land in any port or place in Ireland any animal or thing in contravention of any order under this Act, such animal or thing shall be forfeited in like manner as goods, the importation whereof is prohibited by the Acts relating to the customs are liable to be forfeited; and the person so offending shall be liable to such penalties as are imposed on persons importing or attempting to import goods, the importation whereof is prohibited by the Acts relating to the customs, without prejudice to

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any proceeding against him under this Act or under any such order, but so that no person be punished twice for the same offence.

Evidence of orders.

6. An order or regulation made or issued by the Lord Lieutenant by and with the advice of Her Majesty's Privy Council in Ireland under this Act, or the "Cattle Disease (Ireland) Act, 1866," may be proved as follows:—By the production of a printed copy of such order or regulation purporting to be certified to be a true copy by the clerk of the said Council, or the person for the time acting as such.

And any such order or regulation shall, until the contrary is proved, be deemed to have been duly made and issued at the time at which it bears date.

Certain Acts to be offences under this Act.

7. If any person does any of the following things, he shall be guilty of an offence against this Act:

(1.) If he does anything for which a licence is requisite under this Act, or any order under this Act, without having obtained a licence:

(2.) If, where such a licence is requisite, having obtained a licence in that behalf, he does the thing licensed after the licence has expired:

(3.) If he uses, or offers or attempts to use, as such a licence, an instrument not being a complete licence, or an instrument untruly purporting or appearing to be a licence, unless he shows, to the satisfaction of the justice before whom he is charged, that he did not know of such incompleteness or untruth, and that he could not with reasonable diligence have obtained such knowledge:

(4.) If he fabricates, or alters, or offers, or utters, knowing the same to be fabricated or altered, any licence, declaration, certificate, or instrument made or issued, or purporting to be made or issued under, or for any purpose of this Act, or any such Order:

(5.) If for the purpose of obtaining any licence, certificate, or instrument, under or for the purposes of any such provision, he makes a declaration or representation false in any material particular, unless he shows, to the satisfaction of the justice before whom he is charged, that he did not know of such falsity, and that he could not with reasonable diligence have obtained such knowledge:

(6.) If he obtains or endeavours to obtain any such licence, certificate, or instrument, by means of any false pretence,

unless he shows, to the satisfaction of the justice before whom he is charged, that he did not know of such falsity, and that he could not with reasonable diligence have obtained such knowledge:

(7.) If he grants or issues any such licence, certificate, or instruments, being false in any material particular, unless he shows, to the satisfaction of the justice before whom he is charged, that he did not know of such falsity, and that he could not with reasonable diligence have obtained such knowledge:

And in such case he shall be liable, on conviction, in the discretion of the justice, to be imprisoned for any term not exceeding three months, with or without hard labour, in lieu of the pecuniary penalty to which he is liable under this Act.

Penalty for contravening provisions of this Act, or orders made in pursuance thereof.

8. If any person acts in contravention of any provisions in this Act contained, or if any person is guilty of any offence against this Act, or any order made in pursuance of this Act, he shall for each offence incur a penalty not exceeding *twenty pounds*, and where any such Act or offence is committed with respect to more than four animals, a penalty not exceeding *five pounds* for each animal may be imposed instead of the penalty of twenty pounds.

Where any such offence is committed in relation to offal, dung, hay, straw, litter, or other thing, a further penalty not exceeding *ten pounds* may be imposed in respect of every half ton in weight of such offal or other thing after the first half ton.

Recovery and application of penalties.

9. Every penalty recoverable under the provisions of this Act shall be recovered and applied in the same manner as penalties are recovered and applied under section five of the "Cattle Disease (Ireland) Act, 1866."

Proceedings.

10. For the purpose of proceedings under this Act, or any order made hereunder, or under the "Cattle Disease (Ireland) Act, 1866," or any order made thereunder, every offence against this Act, or any such order or regulation, shall be deemed to have been committed, and every cause of complaint under this Act, or any such order or regulation, shall be deemed to have arisen either in the place in which the same actually was committed or arose, or in any place in which the person charged or complained against happens to be.

Certificate of inspector under the "Cattle Diseases

11. The certificate of an inspector, authorised to act as such under the said "Cattle Disease (Ireland) Act, 1866," or under this Act, that an animal is affected with an infectious or contagious

(Ireland) Act, 1866" or this Act.

disease, shall for the purpose of the said Acts be conclusive evidence in all courts of justice.

Interpretation.

12. In this Act, or Orders in Council made thereunder—

The term "Lord Lieutenant" shall mean the Lord Lieutenant of Ireland, and the Lords Justices or other Chief Governor or Governors of Ireland for the time being:

The term "cattle" means bulls, cows, oxen, heifers, and calves:

The term "animal" means, except where it is otherwise expressed, cattle, sheep, goats, and swine:

The term "foreign," as applied to cattle or animals, means brought from any place out of the United Kingdom of Great Britain and Ireland:

The term "contagious or infectious disease" includes cattle plague, pleuro-pneumonia, foot and mouth disease, sheep-pox, sheep-scab, and glanders, and any disease which the Lord Lieutenant or other chief governor or governors of Ireland, by and with the advice of Her Majesty's Privy Council in Ireland, may from time to time, by order, declare to be a contagious or infectious disease for the purpose of this Act:

The term "railway company" includes a company or person working a railway under a lease or otherwise:

The term "person" includes a body corporate or incorporate:

The word "month" shall include a calendar month.

13. This Act and the said Cattle Disease Act (Ireland), 1866, shall be construed together, and all provisions of the said recited Act shall remain in full force, save to the extent to which they have been modified or altered by this Act.

14. This Act may be cited for all purposes as "The Cattle Disease (Ireland) Amendment Act, 1870."

Cattle Disease (Ireland).

A

BILL

To amend "The Cattle Disease Act (Ireland), 1866."

(Prepared and brought in by Mr. Chichester Fortescue and Mr. Solicitor General for Ireland.)

Ordered, by The House of Commons, *to be Printed,* 20 *June* 1870.

[Bill 174.]

Under 1 *oz.*

A

BILL

TO

Extend the provisions of the law as to stolen Horses to all other kind of stolen Cattle. A.D. 1870.

WHEREAS an Act was passed in the second and third years of the reign of their Majesties Philip and Mary, intituled "An Act against the buying of stolen Horses:" Preamble. 2 & 3 Ph. & M. c. 7.

And whereas an Act was passed in the thirty-first year of the reign of Her Majesty Queen Elizabeth, intituled "An Act to avoid Horse Stealing:" 31 Eliz. c. 12

And whereas it is expedient to extend the provisions of the said recited Acts to the stealing, selling, and buying all other kind of Cattle:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. That from and after the *passing of this Act*, the provisions of the said herein-before recited Acts, and the powers, rights, remedies, and regulations therein respectively contained, relating to the stealing of horses, and the selling and buying of such stolen horses, shall apply and be held to apply to the stealing of "all other kind of cattle," and the selling and buying of such stolen cattle, to all intents and purposes, as completely and effectually as if the words "all other kind of cattle" (herein-after defined) had been mentioned and included in the provisions of the herein-before recited Acts or either of them. Recited Acts to apply to the stealing, selling, and buying of all kind of stolen cattle.

2. The words "all other kind of cattle" shall be taken to mean and include any bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, hog, pig, or sow. Construction of words.

3. This Act shall be deemed to be incorporated with the said recited Acts, and shall be construed and taken to be as if this Act and the said recited Acts were one Act. This Act incorporated with recited Acts.

Cattle Stealing.

A

B I L L

To extend the provisions of the law as to stolen Horses to all other kind of stolen Cattle.

(*Prepared and brought in by*
Sir George S. Jenkinson, Bart.,
Mr. A. Staveley Hill, Q.C., Mr. Albert Pell,
and Mr. Chandos Wren Hoskyns.)

Ordered, by The House of Commons, *to be Printed,*
9 *February* 1870.

[Bill 1.]

Under 1 *oz.*

[To be substituted for Bill [211.] already delivered.]

A

B I L L

FOR

Taking the Census of England.

A.D. 1870.

WHEREAS it is expedient to take the census of England in the year one thousand eight hundred and seventy-one:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Secretary of State to superintend the taking of the census.

1. One of Her Majesty's Principal Secretaries of State shall have the care of superintending the taking of the census, and shall cause to be prepared and printed, for the use of the persons to be employed in taking it, such forms and instructions as he shall deem necessary; and the Registrar General shall issue all such forms and instructions to the persons for whose use they shall be intended; *and all the expenses which shall be incurred by authority of such Secretary of State under this Act shall be paid out of such moneys as shall be provided by Parliament for that purpose.*

Registrar's sub-districts to be formed into enumerator's divisions.

2. Every registrar's sub-district in England shall be formed into enumerator's divisions according to instructions to be prepared by or under the direction of such Secretary of State, who shall cause a sufficient number of copies of such instructions to be sent to every registrar of births and deaths in England; and the registrars, with all convenient speed, shall divide the several sub-districts into enumerator's divisions according to such instructions, and subject in each case to be revised by the superintendent registrar, and to the final revision and approval of the said Registrar General.

Enumerators to be appointed.

3. The several registrars of births and deaths in England shall make and return to their respective superintendent registrars a list containing the names and places of abode of a sufficient number of persons, duly qualified according to instructions to be prepared by or under the direction of such Secretary of State, to act as enumerators within their several sub-districts, and such persons, when approved

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of by the superintendent registrar, shall be appointed by him enumerators for taking the census, subject nevertheless to the approval of the said Registrar General; and the registrar, with the approval of the superintendent registrar, shall assign a division to each enumerator, and shall distribute to the several enumerators in his sub-district the forms and instructions which shall have been issued for that purpose by the Registrar General, and shall personally ascertain that each enumerator thoroughly understands the manner in which the duties required of him are to be performed.

Householders schedules to be left at dwelling houses.

4. Schedules shall be prepared by or under the direction of such Secretary of State for the purpose of being filled up by or on behalf of the several occupiers of dwelling houses, as herein-after provided, with particulars of the name, sex, age, rank, profession or occupation, condition, relation to head of family, and birthplace of every living person who abode in every house on the night of *Sunday the second day of April* one thousand eight hundred and seventy-one, and also whether any were blind, or deaf and dumb; and the registrars in England shall in the course of the week ending on *Saturday the first day of April* in the year one thousand eight hundred and seventy-one leave or cause to be left at every dwelling house within their respective sub-districts one or more of the said schedules for the occupier or occupiers thereof or of any part thereof, and upon every such schedule shall be plainly expressed that it is to be filled up by the occupier of such dwelling house, (or where such dwelling house is let in different stories or apartments, and occupied distinctly by different persons or families, by the occupier of each such distinct story or apartment,) and that the enumerator will collect all such schedules within his division on the *Monday* then next following;

Occupiers to fill up the schedules and sign and deliver them to the enumerator.

and every occupier of any dwelling house, or of any distinct story or apartment in any dwelling house, with or for whom any such schedule shall have been left as aforesaid, shall fill up the said schedule to the best of his or her knowledge and belief, so far as relates to all persons dwelling in the house, story, or apartment occupied by him or her, and shall sign his or her name thereunto, and shall deliver the schedule, so filled up, or cause the same to be

Penalty for neglect.

delivered, to the enumerator, when required so to do; and every such occupier who shall wilfully refuse or without lawful excuse neglect to fill up the said schedule to the best of his or her knowledge and belief, or to sign and deliver the same as herein required, or who shall wilfully make, sign, or deliver, or cause to be made, signed, or delivered, any false return of all or any of the matters

specified in the said schedule, shall forfeit a sum not more than *five* pounds nor less than *twenty* shillings.

Schedules to be collected from house to house, and corrected if found to be erroneous.

5. The enumerators shall visit every house in their respective divisions, and shall collect all the schedules so left within their division from house to house, so far as may be possible, on *Monday the third day of April* in the year one thousand eight hundred and seventy-one, and shall complete such of the schedules as upon delivery thereof to them shall appear to be defective, and correct such as they shall find to be erroneous, and shall copy the schedules, when completed and corrected, into books to be provided them for that purpose, and shall add thereunto an account, according to the best information which they shall be able to obtain, of all the other persons living within their division who shall not be included in the schedules so collected by them.

Enumerators to take an account of houses, &c., and to distinguish the boundaries of parishes, boroughs, &c.

6. Every enumerator shall also take an account of the occupied houses, and of the houses then building and therefore uninhabited, and also of all other uninhabited houses within his division; and shall also take an account of all such particulars herein-before mentioned, and none others, according to the forms and instructions which may be issued under this Act; and in the book into which he shall have copied the householders schedules and other particulars, as herein-before directed, each enumerator shall distinguish the several parishes and places maintaining their own poor within his division, or such parts thereof as shall be within his division, and shall also distinguish those parishes and places or parts of parishes and places within his division which are within the limits of any city or borough returning or contributing to return a member or members to serve in Parliament, or of any incorporated city or borough, or of any town having recognised boundaries, or of any ecclessiastical district, and shall deliver such book to the registrar of the sub-district, together with the householders schedules collected by him, and shall sign a form or declaration to the effect that the said book has been truly and faithfully filled up by him, and that to the best of his knowledge the same is correct, which form of declaration shall be prepared by or under the direction of such Secretary of State, and issued by the Registrar General with the forms and instructions aforesaid.

Enumerators to deliver their books, with the householders schedules to the registrar.

Registrars to verify the enumerators' books.

7. The registrar to whom such enumerators' books shall be delivered shall examine the same, and shall satisfy himself that the instructions in each case have been punctually fulfilled, and if not shall cause any defect or inaccuracy in the said book to be supplied, so far as may be possible; and when the books shall have been

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made as accurate as is possible the registrar shall deliver them to the superintendent registrar of his sub-district, and thereafter shall transmit the householders schedules to the Registrar General.

Superintendent registrars to examine the enumerator's books, and return them to the Registrar General.

8. The superintendent registrar shall examine all the books which shall be so delivered to him, and shall satisfy himself how far the registrars have duly performed the duties required of them by this Act, and shall cause any inaccuracies which he shall discover in such books to be corrected, so far as may be possible, and shall return on or before the *first day of May* one thousand eight hundred and seventy-one all the books which shall have been delivered to him to the Registrar General, for the use of such Secretary of State.

An abstract of returns to be printed, and laid before Parliament.

9. The Secretary of State shall cause an abstract to be made of the said returns; and such abstract shall be printed, and laid before both Houses of Parliament within *twelve* calendar months next after the first day of June in the year one thousand eight hundred and seventy-one, if Parliament be sitting, or, if Parliament be not sitting, then within the first fourteen days of the Session then next ensuing.

Masters, &c. of gaols, &c. to be appointed enumerators of the inmates thereof.

10. The master or keeper of every gaol, prison, or house of correction, workhouse, hospital, or lunatic asylum, and of every public or charitable institution, which shall be determined upon by the said Registrar General, shall be the enumerator of the inmates thereof, and shall be bound to conform to such instructions as shall be sent to him by the authority of one of the said Secretaries of State, for obtaining the returns required by this Act, so far as may be practicable, with respect to such inmates.

Overseers, peace officers, and relieving officers of unions formed under 4 & 5 W. 4. c. 76. bound to act as enumerators.

11. The overseers of the poor in every parish, township, and place in England, and the constables, tithingmen, headboroughs, or other peace officers for such parishes, townships, and places, and the relieving officers in any union formed under the provisions of an Act passed in the fifth year of King William the Fourth, intituled "An Act for the amendment and better administration of the laws "relating to the Poor in England and Wales," or the Acts amending the same, shall be bound to act as enumerators under this Act within their respective townships, parishes, and places, and unions, if required so to act by one of the said Secretaries of State, and where they shall so act shall be entitled to allowances as enumerators under the provisions of this Act; and every such overseer, relieving officer, constable, tithingman, headborough, and other peace officer who shall refuse or wilfully neglect so to act, and duly to perform the duties required of the said enumerators by this Act,

shall for every such offence forfeit a sum not more than *ten* pounds nor less than *five* pounds.

Returns of persons travelling or on shipboard, or not in houses.

12. The Secretary of State shall obtain, by such ways and means as shall appear to him best adapted for the purpose, returns of the particulars required by this Act with respect to all persons who during the said night of *Sunday the second day of April* were travelling or on shipboard, or for any other reason were not abiding in any house of which account is to be taken by the enumerators, and other persons as aforesaid, and shall include such returns in the abstract to be made by him as aforesaid.

Table of allowances to enumerators and others.

13. One of the said Secretaries of State shall cause to be prepared a table of allowances to be made to the several enumerators, registrars, superintendent registrars, and other persons in England employed in the execution of this Act; and such table when approved by the Commissioners of Her Majesty's Treasury, shall be laid before both Houses of Parliament on or before the *first day of March* one thousand eight hundred and seventy-one, if Parliament be sitting, or, if Parliament be not sitting, then within the first fourteen days of the session then next ensuing.

Payments to be certified to the registrar general.

14. The superintendent registrar of every district in England shall within one calendar month next after the taking of the census certify to the said Registrar General the total amount of the allowances to which he, and the registrars, enumerators, and other persons in that district, are respectively entitled, according to the said table.

Manner in which the payments shall be made to persons employed in execution of this Act in England.

15. *The Commissioners of Her Majesty's Treasury shall, through the Registrar General, pay to each superintendent registrar, out of the moneys provided by Parliament for that purpose, the whole amount of the allowances to which the said superintendent registrar, and the registrars, enumerators, and other persons in each district, are severally entitled, according to the said table;* and each superintendent registrar shall pay over to the registrars in his district the are severally entitled, according to the said table; and shall also pay over or cause to be paid over to the enumerators and other persons in his district the allowances to which they are severally entitled, according to the said table; and the receipts to be given by the enumerators and other persons, and registrars, for payment of their said allowances, shall be delivered to the superintendent registrar, who shall transmit the same together with the receipt for his own allowance, to the Registrar General: Provided always, that

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no such payment shall be made to any enumerator or other person who shall be required to act as an enumerator under this Act, but upon production of a certificate under the hand of the registrar that the duties required of such enumerator or other person acting as enumerator by this Act have been faithfully performed, and the like certificate shall be required under the hand of the superintendent registrar with respect to the registrar before any payment shall be made to the registrar, and the like certificate under the hand of the said Registrar General with respect to the superintendent registrar before any payment shall be made to the superintendent registrar.

Penalty on persons for wilful default.

16. Every superintendent registrar and registrar, and every enumerator and other person who shall be required to act as enumerator so appointed as aforesaid, making wilful default in any of the matters required of them respectively by this Act, or making any wilfully false declaration, shall for every such wilful default or false declaration forfeit a sum not exceeding *five* pounds nor less than *two* pounds.

Penalty for refusing information or giving false answers.

17. The enumerators and other persons employed in the execution of this Act shall be authorised to ask all such questions as shall be directed in any instructions to be prepared by or under the direction of the said Secretary of State, which shall be necessary for obtaining the returns required by this Act; and every person refusing to answer or wilfully giving a false answer to such questions or any of them shall for every such refusal or wilfully false answer forfeit a sum not exceeding *five* pounds nor less than *twenty* shillings.

Recovery and application of penalties.

18. All penalties imposed by this Act shall be recovered in a summary manner before two justices of the peace having jurisdiction in the county or place where the offence is committed in the manner prescribed by law in this behalf; and shall be paid, one half to the informer, and the other half to the treasurer of the county or place for which the justices before whom the forfeiture is recovered shall have acted, to be by him applied in aid of the expenditure.

Interpretation of terms.

19. In the construction of this Act, the words "parish or place, parishes or places," shall include the various denominations of townships, tithings, hamlets, villages, chapelries, quarters, wards, parcels, lordships, manors, or parts of any parish, and all other places, whether denominated vills, precincts, or otherwise, and whether connected with any parish or deemed to be extra parochial;

and the words "dwelling house" shall include all buildings and tenements of which the whole or any part shall be used for the purpose of human habitation. A.D. 1870.

[*To be substituted for Bill* [211.] *already delivered.*]

Census.

A

B I L L

For taking the Census of England.

(*Prepared and brought in by Mr. Secretary Bruce and Mr. Knatchbull-Hugessen.*)

Ordered, by The House of Commons, *to be Printed,* 11 *July* 1870.

[Bill 211.]

Under 1 *oz.*

A

B I L L

FOR

Taking the Census of Ireland.

A.D. 1870.

WHEREAS it is expedient to take the census of Ireland in the year one thousand eight hundred and seventy-one:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Interpretation of terms.

1. In this Act,—

The term "Lord Lieutenant" shall mean the Lord Lieutenant or other chief governors of Ireland:

The terms "chief secretary" and "under secretary" shall mean respectively the chief secretary and under secretary to the Lord Lieutenant.

Account of population to be taken.

2. An account of the population of Ireland shall be taken at the time and in the manner herein-after directed.

By whom the account shall be taken.

3. Such officers and men of the police force of Dublin metropolis, and of the Royal Irish Constabulary, as the Lord Lieutenant shall direct, together with such other competent persons as the Lord Lieutenant shall appoint to assist therein, shall, upon the *eighth day of April* and one or more next consecutive days in the year one thousand eight hundred and seventy-one, as the said Lord Lieutenant shall fix, severally visit every house within such districts as may be assigned to them respectively, and take an account in writing, according to such instructions as may be given to them by the chief or under secretary of the number of persons dwelling therein, and of the sex, age, religious profession, and occupation of all such persons, distinguishing the persons born in the place or parish and county in which they shall be then dwelling; and shall also take an account of the number of inhabited houses and of uninhabited houses and of houses then building within such districts respectively; and shall also distinguish those parishes and places, or

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parts of parishes and places, within each district respectively, which are within the limits of any city or borough returning a member or members to serve in Parliament; and shall also take an account of all such further particulars as by such instructions they may be directed to inquire into; *and all the expenses which shall be incurred by authority of such Lord Lieutenant under this Act shall be paid out of such moneys as shall be provided by Parliament for that purpose.*

Masters, &c. of gaols, &c. to be appointed enumerators of the inmates thereof.

4. The governor, master, or keeper of every gaol, prison, or house of correction, workhouse, hospital, or lunatic asylum, and every barrack master, and every master or keeper of every public or charitable institution which shall be determined upon by the Lord Lieutenant, shall act as the enumerator of the inmates thereof, and shall be bound to conform to such instructions as shall be sent to him by the authority of the Lord Lieutenant for obtaining the returns required by this Act, so far as may be practicable with respect to such inmates.

Forms, &c. to be furnished for their use.

5. For the more effectual obtaining of such accounts, the chief or under secretary shall prepare and cause to be printed such forms and instructions for the use of the several persons who shall be appointed as aforesaid to take or certify the said accounts as he shall deem necessary.

Power to make the inquiry.

6. The better to enable such persons to take the said accounts, they are hereby authorised and empowered to ask all such questions of all persons within their respective districts, respecting themselves or the persons constituting their respective families, and of all such further particulars as shall be necessary for the purpose of taking the said accounts.

Penalty for refusing to answer, or for giving false answers.

7. Every person refusing to answer or wilfully giving a false answer to any such questions, and every person in any way wilfully obstructing such persons in the execution of the duties required of them under this Act, shall for every such refusal, false answer, or wilful obstruction, on proof thereof being made before any justice or justices at petty sessions for the district in which such person shall reside, or, if such person shall reside within the police district of Dublin metropolis, before any of the divisional justices of such district, on the testimony of one or more credible witnesses, forfeit a sum not exceeding *five pounds*, at the discretion of the said justice or justices before whom such complaint shall be so made.

Penalty on persons employed if guilty of

8. Every member of the said police force or of the Royal Irish Constabulary, or other person, who shall be so appointed to take the said accounts, or to assist therein, who shall make any wilful

neglect, default, or falsification in any matters relating to the said accounts, shall for every such neglect, default, or falsification, on proof thereof being made before any justice or justices at petty sessions for the district in which he shall so act, or in case such member of the police or constabulary force, or other person, shall act for the police district of Dublin metropolis, before any of the divisional justices of such district, on the testimony of one or more credible witnesses, forfeit a sum not exceeding five pounds nor less than forty shillings, at the discretion of the said justice or justices before whom such complaint shall be so made.

wilful default or neglect.

9. All proceedings under this Act, as to compelling the appearance of such member of the said police force or of the Royal Irish Constabulary force, or other person, or of any witness, and as to the hearing and determination of such complaints, or any other matter relating thereto, and as to the application of fines, amerciaments, and forfeited recognizances, imposed or levied under this Act at petty sessions, shall be subject in all respects to the provisions of "The Petty Sessions (Ireland) Act, 1851," as the same is amended by "The Petty Sessions Clerk (Ireland) Act, 1858," (when the case shall be heard in any petty sessions district,) and to the provisions of the Acts relating to the divisional police offices (when the case shall be heard in the police district of Dublin metropolis), so far as the said provisions shall be consistent with any special provisions of this Act; and when any fine or penalty is imposed at any of the divisional police offices of Dublin metropolis, under the provisions of this Act, such fines and penalties shall be paid over to the same purposes and appropriated and applied in the same manner as is now by law authorized in respect of fines and penalties imposed at such divisional police offices respectively.

Proceedings how to be taken, and penalties recovered and applied.

Application of fines and penalties imposed.

10. The said several persons so appointed to take the said accounts, or to assist therein, shall sign and certify the same, and make solemn affirmation before any justice of the peace within the county, to the effect that the said account has been truly and faithfully taken by him (or them), and that to the best of his (or their) knowledge the same is correct, so far as may be known, and shall deliver the same to such officer of the said police force of the Royal Irish Constabulary, or other person, as may be appointed by the Lord Lieutenant to receive the same, within each county, city, town, or place; and such officer or person shall examine the same, and cause any defect or inaccuracy which may be discovered therein to be supplied or corrected, so far as may be possible, and shall certify and transmit the same to the office of the chief or under secretary, in such

The persons taking the accounts to certify and affirm as to their correctness, and deliver them to the officer appointed to receive them.

Such officer to transmit them to the office of the Chief Secretary.

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manner and within such time as the Lord Lieutenant shall direct, and the same shall be digested and reduced into order under the direction of the chief or under secretary, by such persons as the Lord Lieutenant shall appoint for that purpose; and an abstract thereof shall be laid before both Houses of Parliament within *twelve* months after the day on which the said account shall be taken, or (if Parliament be not then sitting) within the first *fourteen* days of the session next ensuing.

An abstract thereof to be laid before Parliament.

11. Every solemn affirmation or declaration made or signed under the authority of this Act shall be of the same force and effect as if the person making such affirmation or declaration had taken an oath in the usual form, so that if the person making such affirmation or declaration shall be convicted of having therein wilfully and falsely affirmed or declared any matter or thing, he shall be subject to the same pains, penalties, and forfeitures to which persons convicted of wilful perjury are subject.

Punishment of persons wilfully making false affirmation or declaration.

Census (Ireland).

A

B I L L

For taking the Census of Ireland.

(Prepared and brought in by Mr. Chichester Fortescue, Mr. Secretary Bruce, and Mr. Solicitor-General for Ireland.)

Ordered, by The House of Commons, *to be Printed,* 25 *July* 1870.

[Bill 237.]

Under 1 *oz.*

A

B I L L

FOR

Taking the Census in Scotland.

A.D. 1870.

WHEREAS it is expedient to take the census of Scotland in the year one thousand eight hundred and seventy-one :

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Secretary of State to superintend census.

1. One of Her Majesty's Principal Secretaries of State shall have the care of superintending the taking of the census of Scotland, and shall cause to be prepared and printed, for the use of the persons to be employed in taking it, such forms and instructions as he shall deem necessary ; and the Registrar General for Scotland shall issue all such forms and instructions to the persons for whose use they shall be intended ; *and all the expenses which shall be incurred by authority of such Secretary of State under this Act shall be paid out of such moneys as shall be provided by Parliament for that purpose.*

Copy of this Act to be sent to every sheriff in Scotland.

2. The Registrar General for Scotland shall send a printed copy of this Act to the sheriff of every county in Scotland, and to the chief magistrate of every royal burgh, and of every parliamentary burgh having magistrates, in Scotland.

Registrars districts to be formed into enumerator's divisions.

3. Every registrar's district in Scotland shall be formed into enumerator's divisions according to instructions to be prepared by or under the direction of such Secretary of State, who shall cause a sufficient number of copies of such instructions to be sent to every registrar of births, deaths, and marriages in Scotland ; and the registrars, with all convenient speed, shall divide the several districts into enumerator's divisions according to such instructions, and subject in each case to be revised by the sheriff of the county or the magistrates of the burgh, as the case may be.

Enumerators to be appointed.

4. The several registrars of births, deaths, and marriages in Scotland shall make and return to the sheriff of the county, or to

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the chief magistrate of the burgh, as the case may be, a list containing the names and places of abode of a sufficient number of persons, duly qualified according to instructions to be prepared by or under the direction of such Secretary of State, to act as enumerators within their several districts, and such persons, when approved of by the sheriff or magistrates, shall be appointed by the registrar, by any writing under his hand, enumerators for taking the census; and the registrar, with the like approval, shall assign a division to each enumerator, and shall distribute to the several enumerators in his district the forms and instructions which shall have been issued for that purpose by the Registrar General, and shall personally ascertain that each enumerator thoroughly understands the manner in which the duties required of him are to be performed.

Householders schedules to be left at dwelling houses.

5. Schedules shall be prepared by or under the direction of such Secretary of State for the purpose of being filled up by or on behalf of the several occupiers in dwelling-houses as herein-after provided, with particulars of the name, sex, age, rank, profession, or occupation, condition, relation to head of family, and birth-place of every living person who abode in every house on the night of Sunday the *second* day of April one thousand eight hundred and seventy-one, and also whether any were blind or deaf and dumb, or imbecile or lunatic, and also whether any, and how many, of such persons, being of the age of from five to fifteen years, were in regular attendance at school, or were in the receipt of education at home under tutors or governesses, and the registrars in Scotland shall in the course of the week ending on Saturday the *first day of April* in the year one thousand eight hundred and seventy-one leave or cause to be left at every dwelling-house within their respective districts one or more of the said schedules for the occupier or occupiers thereof or of any part thereof, and upon every such schedule shall be plainly expressed that it is to be filled up by the occupier of such dwelling-house, (or where such dwelling-house is let in different stories or apartments, and occupied distinctly by different persons or families, by the occupier of each such distinct story or apartment,) and that the enumerator will collect all such schedules within his division on the Monday then next following; and every occupier of any dwelling-house, or of any distinct story or apartment in any dwelling-house, with or for whom any such schedule shall have been left as aforesaid, shall fill up the said schedule to the best of his or her knowledge and belief, so far as relates to all persons dwelling in the house, story, or apartment occupied by him or her, and shall sign his or her name thereunto, and shall deliver the schedule, so

Occupiers to fill up the schedules and sign and return them to the enumerator.

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filled up, or cause the same to be delivered, to the enumerator, when required so to do; and every such occupier who shall wilfully refuse or without lawful excuse neglect to fill up the said schedule to the best of his or her knowledge and belief, or to sign and deliver the same as herein required, or who shall wilfully make, sign, or deliver, or cause to be made, signed, or delivered, any false return of all or any of the matters specified in the said schedule, shall forfeit a sum not more than *five* pounds nor less than *twenty* shillings.

Penalty for neglect.

6. The enumerators shall visit every house in their respective divisions, and shall collect all the schedules so left within their division from house to house, so far as may be possible, on Monday the *third day of April* in the year one thousand eight hundred and seventy-one, and shall complete such of the schedules as upon delivery thereof to them shall appear to be defective, and correct such as they shall find to be erroneous, and shall copy the schedules, when completed and corrected, into books to be provided them for that purpose, and shall add thereunto an account, according to the best information which they shall be able to obtain, of all the other persons living within their division who shall not be included in the schedules so collected by them.

Schedules to be collected from house to house, and corrected, if found to be erroneous.

7. Every enumerator shall also take an account of the occupied houses, and of the houses then building and therefore uninhabited, and also of all other uninhabited houses within his division, stating the number of rooms having a window or windows in each dwelling-house; and shall also take an account of all such particulars herein-before mentioned, and none other, as by the forms and instructions which may be issued under this Act they may be directed to inquire into; and in the book into which he shall have copied the householders schedules and other particulars, as herein-before directed, each enumerator shall distinguish the several parishes and places maintaining their own poor within his division, or such parts thereof as shall be within his division, and shall also distinguish those parishes and places or parts of parishes and places within his division which are within the limits of any city or borough returning or contributing to return a member or members to serve in Parliament, or of any incorporated city or borough; and shall deliver such book to the registrar of the district, together with the householders schedules collected by him, and shall sign a form or declaration to the effect that the said book has been truly and faithfully filled up by him, and that to the best of his knowledge the same is correct, so far as may be known; which form of declaration shall be prepared by or under the direction of such

Enumerators to take an account of houses, &c., and to distinguish the boundaries of parishes, boroughs, &c.

Enumerators to deliver their books with the householders schedules to the registrar.

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Secretary of State, and issued by the Registrar General with the forms and instructions aforesaid.

Registrars to verify the enumerators books, and deliver them to the sheriff, &c.

8. The registrar to whom such enumeration book shall be delivered shall examine the same, and shall satisfy himself that the instructions in each case have been punctually fulfilled, and if not shall cause any defect or inaccuracy in the said book to be supplied, so far as may appear possible; and when the books shall have been made as accurate as is possible the registrar shall deliver them to the sheriff of the county or the chief magistrate of the burgh, as the case may be, as herein-after provided.

Returns to be given to the sheriffs of counties and chief magistrates of burghs.

9. The sheriff of every county and the chief magistrate of every royal or parliamentary burgh in Scotland shall appoint a time or times, which shall not be earlier than the *eighth* nor later than the *twenty-second day of April* one thousand eight hundred and seventy-one, for the registrars of districts within their respective jurisdictions to attend at their respective offices, or such other places as they may appoint, with the returns to be made under this Act, of which times and places intimation shall be given to the registrars in such manner as shall be directed by the sheriffs and magistrates respectively, who shall then and there receive from the registrars the returns to be made as aforesaid, and cause every registrar to make a declaration to the effect that the said account has been truly and faithfully taken, and that to the best of his knowledge the same is correct; and the sheriffs and magistrates, if they see cause, may examine the registrars touching any of the matters to which the returns relate, and shall thereafter direct the clerks of their respective jurisdictions to endorse the same (if not previously endorsed) with the name of the county, and district thereof wherein the parish or place therein mentioned is situate, or otherwise (where any of the said sheriffs shall think proper) they shall direct the registrar to verify the said returns before any justice of the peace of their respective counties, and thereafter to transmit the same previously to the said *twenty-second day of April* in any convenient manner to the said sheriffs, who shall direct the same to be endorsed as aforesaid.

Sheriffs of counties and chief magistrates of burghs to receive the returns and transmit them to the Registrar General.

10. The sheriffs of counties and the chief magistrates of royal or parliamentary burghs in Scotland shall, on or before the *third day of May* one thousand eight hundred and seventy-one, transmit the several original enumeration books by them received from the registrars (together with a list of the parishes and places within their respective counties and burghs from whence no returns have been made to them) to the office of the Registrar General for Scotland for the use of the Secretary of State: Provided always, that the

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Registrar General may empower the said sheriffs or chief magistrates, or any of them, on a special application to that effect, to retain the said enumeration books for any period not later than the *fifteenth day of May* of the said year.

An abstract of returns to be printed and laid before Parliament.

11. The Secretary of State shall cause an abstract to be made of the said returns; and such abstract shall be printed, and laid before both Houses of Parliament within twelve calendar months next after the *first day of June* in the year one thousand eight hundred and seventy-one, if Parliament be sitting, or, if Parliament be not sitting, then within the first fourteen days of the session then next ensuing.

Masters, &c. of gaols, &c. to be appointed enumerators of the inmates thereof.

12. The master or keeper of every gaol, prison, or house of correction, workhouse, hospital, or lunatic asylum, and of every public or charitable institution, which shall be determined upon by the said Registrar General, shall be the enumerator of the inmates thereof, and shall be bound to conform to such instructions as shall be sent to him by the authority of one of the said Secretaries of State, for obtaining the returns required by this Act, so far as may be practicable, with respect to such inmates.

Returns of houseless poor and of persons travelling or on shipboard.

13. The Secretary of State shall obtain, by such ways and means as shall appear to him best adapted for the purpose, returns of the particulars required by this Act with respect to all houseless persons, and all persons who during the said night of Sunday the *second day of April* were travelling on shipboard, or for any other reason were not abiding in any house of which account is to be taken by the enumerators, and other persons as aforesaid, and shall include such returns in the abstract to be made by him as aforesaid.

Table of allowances to enumerators and other persons employed.

14. *One of the said Secretaries of State shall cause to be prepared a table of allowances to be made to the several enumerators, registrars, sheriff clerks, town clerks, and other persons in Scotland employed in the execution of this Act; and such table, when approved by the Commissioners of Her Majesty's Treasury, shall be laid before both Houses of Parliament* on or before the *first* day of March one thousand eight hundred and seventy-one, if Parliament be sitting, or, if Parliament be not sitting, then within the first fourteen days of the session then next ensuing.

Payments to be certified to the Registrar General.

15. The sheriff of every county and the chief magistrate of every burgh in Scotland shall, within one calendar month next after the taking of the census, certify to the said Registrar General the total amount of the allowances to which the registrars, enumerators,

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sheriff clerks, town clerks, and other persons are respectively entitled, according to the said table.

Manner in which the payments shall be made to persons employed in execution of this Act.

16. The sheriffs of counties and the chief magistrates of royal or parliamentary burghs in Scotland shall grant to the sheriff clerks and town clerks respectively, and the several registrars, enumerators, or other persons employed in the execution of this Act, such allowances as shall have been certified as herein-before provided, together with any necessary expenses incurred by them or any of them in the execution of this Act, and shall order payment thereof to be made by the collector of the land tax for the county or other place out of any money in his hands, and such collector shall pay the same accordingly; and the receipts to be given by the enumerators and other persons, and registrars, for payment of their said allowances, shall be delivered to the sheriff clerk or town clerk, as the case may be, who shall transmit the same, together with the receipt for his own allowance, to the Registrar General: Provided always, that no such payment shall be made to any enumerator or other person who shall be required to act as an enumerator under this Act, but upon production of a certificate under the hand of the registrar that the duties required of such enumerator or other person acting as enumerator by this Act have been faithfully performed, and the like certificate shall be required under the hand of the sheriff or chief magistrate, as the case may be, with respect to the registrar, before any payment shall be made to them.

Penalty for wilful default.

17. Every registrar, and every enumerator and other person who shall be required to act as enumerator, so appointed as aforesaid, making wilful default in any of the matters required of them respectively by this Act, or making any wilfully false declaration, shall for every such wilful default or false declaration forfeit a sum not exceeding *five* pounds nor less than *two* pounds.

Penalty for refusing information or giving false answers.

18. The enumerators and other persons employed in the execution of this Act shall be authorized to ask all such questions as shall be directed in any instructions to be prepared by or under the direction of the said Secretary of State, which shall be necessary for obtaining the returns required by this Act; and every person refusing to answer or wilfully giving a false answer to such questions or any of them shall for every such refusal or wilfully false answer forfeit a sum not exceeding *five* pounds nor less than *twenty* shillings.

Recovery and application of penalties.

19. All penalties imposed by this Act shall be recovered in a summary manner before two justices of the peace or magistrates

having jurisdiction in the county or place where the offence is committed, in the manner prescribed by law in this behalf; and shall be paid, one half to the informer, and the other half to the treasurer of the county or place for which the justices before whom the forfeiture is recovered shall have acted, to be by him applied in aid of the expenditure.

Interpretation of terms.

20. The word "sheriff" shall include "sheriff substitute," and the words "dwelling-house" shall include all buildings and tenements of which the whole or any part shall be used for the purpose of human habitation.

Census (Scotland).

A

BILL

For taking the Census in Scotland.

(*Prepared and brought in by*
The Lord Advocate and Mr. Secretary Bruce.)

Ordered, by The House of Commons, *to be Printed,*
21 *July* 1870.

[Bill 234.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law as to the Investment on Real Securities of Trust Funds held for public and charitable Purposes. A.D. 1870.

WHEREAS it is expedient to amend the law relating to the investment on real securities of trust funds held for public and charitable purposes:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Corporations and trustees holding money in trust for any public and charitable purpose may invest the same in real securities.

1. It shall be lawful for all corporations and trustees in the United Kingdom holding moneys in trust for any public and charitable purpose to invest such moneys on any real security authorized by or consistent with the trusts on which such moneys are held, without being deemed thereby to have acquired or become possessed of any land within the meaning of the laws relating to mortmain, or of any prohibition or restraint against the holding of land by such corporations or trustees contained in any charter or Act of Parliament; and no contract for or conveyance of any interest in land made bonâ fide for the purpose only of such security shall be deemed void by reason of any non-compliance with the conditions and solemnities required by an Act passed in the ninth year of King George the Second, intituled "An Act to "restrain the disposition of lands whereby the same become "unalienable."

Proviso for cases in which the equity of redemption of the premises may be barred or released.

2. Provided always, that in every case in which the equity of redemption of the premises comprised in any such security shall become liable to foreclosure, or otherwise barred or released, the same shall be thenceforth held in trust to be sold and converted into money, and shall be sold accordingly; and if any decree shall be made in any suit for the purpose of redeeming or enforcing

A.D. 1870.

such security, such decree shall direct a sale (in default of redemption) and not a foreclosure of such premises.

Interpretation of terms.

3. The words "real security" in this Act shall include all mortgages or charges, legal or equitable, of or upon lands or hereditaments of any tenure, or of or upon any estate or interest therein or any charge or incumbrance thereon; and the word "conveyance" shall include all grants, releases, transfers, assignments, appointments, assurances, orders, surrenders, and admissions whatsoever operating to pass or vest any estate or interest, at law or in equity, in the premises comprised in any real security.

Charitable Funds Investment.

A

B I L L

To amend the Law as to the Investment on Real Securities of Trust Funds held for public and charitable Purposes.

(*Prepared and brought in by Sir Roundell Palmer and Dr. Ball.*)

Ordered, by The House of Commons, *to be Printed,* 16 *June* 1870.

[Bill 168.]

Under 1 *oz.*

A

B I L L

TO

Relieve Charities and Elementary Schools from the payment of Local Rates. A.D. 1870.

WHEREAS for many years, and until lately, buildings used as hospitals, charity schools, or other buildings exclusively used for charitable purposes, enjoyed an exemption from poor and other rates, and it is expedient that they should be exempted from such liability:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

From 30th Sept. 1870 hospitals or buildings used exclusively for charitable purposes may be exempted.

1. From and after the *thirtieth September one thousand eight hundred and seventy*, every authority having power to impose or levy any rate upon the occupiers of any building or part of a building used exclusively for charitable purposes, without any private profit or advantage to the occupier, may exempt such building or part of a building from any rate for any purpose whatever which such authority has power to impose or levy.

Extent of Act.

2. This Bill shall not extend to Ireland.

Short title.

3. This Bill may be cited as The Hospitals and Charities (Exemption from Rating) Act, 1870.

[Bill 109.]

Charities, &c. Exemption.

A

B I L L

To relieve Charities and Elementary Schools from the payment of Local Rates.

(*Prepared and brought in by Mr. Muntz, Viscount Sandon, and Mr. Wheelhouse.*)

Ordered, by The House of Commons, *to be Printed*, 26 *April* 1870.

[Bill 109.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to amend the Law as regards the eligibility of persons to serve as Churchwardens. A.D. 1870.

WHEREAS it is expedient to amend the law as regards the eligibility of persons to serve as churchwardens:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Non-residence not to render ineligible for churchwarden.

1. No ratepayer of a parish shall be ineligible for the office of churchwarden by reason solely of his not being resident within the parish for which he is elected, or of his not being a householder therein, provided that he is willing to serve in the said office.

Churchwardens Eligibility. [H.L.]

A

BILL

INTITULED

An Act to amend the Law as regards the eligibility of persons to serve as Churchwardens.

(*Brought from the Lords* 21 *March* 1870.)

Ordered, by The House of Commons, *to be printed* 23 *March* 1870.

[Bill 87.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act for the relief of Churchwardens from liability for payments formerly made out of the Church Rate. A.D. 1870.

WHEREAS doubts exist as to the liability of churchwardens for payments customarily made out of church rates before the passing of the Compulsory Church Rate Abolition Act, 1868, and it is just that they should be relieved from such payments:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Certain fees not recoverable from churchwardens.

1. That no fee or payment at the visitation of any bishop or archdeacon, which was customarily paid out of church rates before the passing of the afore-mentioned Act, shall be recoverable from any churchwarden in any court temporal or spiritual.

Short title.

2. This Act may be cited as the "Churchwardens Relief Act, 1870."

A

BILL

INTITULED

An Act for the relief of Churchwardens from liability for payments formerly made out of the Church Rate.

(*Brought from the Lords* 1 *July* 1870.)

Ordered, by The House of Commons, *to be Printed*, 5 *July* 1870.

[Bill 195.]

Under 1 *oz.*

245

A

B I L L

FOR

The abolition of compulsory Church Rates in Scotland. A.D. 1870.

WHEREAS it is desirable to assimilate the law respecting the compulsory levying of Church Rates within the different parts of the United Kingdom:

And whereas the levying of Church Rates in Ireland was abolished by an Act passed in the third and fourth year of His Majesty King William the Fourth, chapter thirty-seven:

And whereas the compulsory levying of Church Rates in England was abolished by an Act passed in the thirty-first and thirty-second year of Her Majesty, chapter one hundred and nine:

And whereas it is expedient that the compulsory payment of Church Rates in Scotland should likewise be abolished:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Definition of terms.

1. In this Act "Church Rate" shall mean any rate or assessment imposed or laid on, for the building, rebuilding, enlargement, or repair of any parish church, assistant church, quoad sacra church, or chapel, or manse; or for providing, or enlarging, any glebe.

The expression "church" shall include all fencing of the site whereon the church is built:

The expression "manse" shall include offices, garden, and garden walls:

The expression "parish" shall include united parishes, and parishes quoad sacra:

The expression "glebe" shall include grass glebe, or ministers grass:

"Ecclesiastical purposes" shall mean any of the purposes hereinbefore defined.

A.D. 1870.

Compulsory payment abolished.

2. From and after the passing of this Act, no action shall be raised, or diligence used, to enforce, or compel payment of any Church Rate or assessment made in any parish or place in Scotland.

Special rates not to be affected.

3. Where, in pursuance of any General or Local Act, any rate or assessment may be made and levied which is applicable partly to Church Rate purposes and partly to other purposes, such rate shall be made, levied, and applied for such last-mentioned purposes only; and so far as it is applicable to such purposes shall be deemed to be a separate rate and not a Church Rate, and shall not be affected by this Act.

Special rates how to be applied.

Where, in pursuance of any Act of Parliament, a mixed fund, arising partly from rates affected by this Act, and partly from other sources, is directed to be applied to purposes some of which are Church Rate purposes, the portion of such fund which is derived from such other sources shall be henceforth primarily applicable to Church Rate purposes.

Rate to be continued for paying money borrowed or due.

4. In any parish where a sum of money is, at the time of the passing of this Act, due on the security of any Church Rate or assessment to be made or levied in such parish under the provisions of any Act of Parliament, such rate or assessment may still be made and levied, and the payment thereof enforced by action or diligence, as accords of law, pursuant to such provisions, for the purpose of paying off the money so due, or paying the money so ordered to be raised and the costs incidental thereto, but not otherwise, until the same shall have been liquidated; and it shall be lawful for the sheriff upon application by summary petition to that effect to remit to any competent person to audit the accounts of the person or persons, or bodies corporate, having authority to make or levy such rate, in reference to the receipt and expenditure of the monies levied under such Acts of Parliament.

Rates made before passing of this Act.

5. Any Church Rate or any assessment in the nature of a Church Rate, made, or becoming due and payable at any time before the passing of this Act, may be collected and recovered in the same way as if this Act had not been passed.

Not to affect the powers of heritors or presbyteries.

6. This Act shall not affect the powers of heritors or presbyteries, or the making, assessing, receiving, or otherwise dealing with any Church Rate or assessment, save in so far as relates to the recovery thereof.

Rates may be paid voluntarily.

7. It shall be lawful for all bodies corporate, trustees, tutors, curators, judicial factors, and other judicial officers, whether they shall be in the occupation of any lands, houses, or tenements, or

whether the same are in the occupation of the beneficiary, to pay if they think fit, any church rate or assessment, made in respect of such property, which, if this Act had not been passed, they would have been liable to pay, although the payment of the same may not be enforceable after the passing of this Act; and the same shall be allowed to them in any account to be rendered by them respectively.

Persons in default not to vote.

8. No person who makes default in paying the amount of any Church Rate or assessment for which he is assessed, shall be entitled to inquire into, or object to, or vote, in respect of the expenditure of the monies arising from such Church Rate.

Trustees may be appointed.

9. A body of trustees may be appointed in any parish for the purpose of accepting by bequest, donation, contract, or otherwise, and of holding, any contributions which may be given to them for Church Rate purposes in the parish.

Election of trustees.

The trustees shall consist of the minister and of two heritors in the parish, to be chosen in the first instance, and also from time to time, on any vacancy in the office occurring by death, incapacity, or resignation, the one by the patron, and the other by the presbytery of the bounds in which the parish is situated.

Constitution of trust.

The trustees shall be a body corporate, by the name of the church trustees of the parish to which they belong, having a perpetual succession and a common seal, with power to sue and be sued, and to hold and transfer property in their corporate name.

Trustees may pay over funds to public bodies.

The trustees may, from time to time, as circumstances may require, pay over to the heritors and kirk session of any parish, or in the case of burgh, to the town council or any other public body, any funds in their hands, to be applied by them either to the general Church Rate purposes of the parish or burgh, or to any other specific ecclesiastical purpose; and the funds so paid over may be applied to such purpose and to no other: Provided always, that no power shall be conferred on such heritors and kirk session, or town council, or other public body, to take order with regard to the ecclesiastical purposes of the parish or burgh, further or otherwise than they are now by law entitled to do: Provided also, that due regard shall be had to the directions of the donors of funds contributed for any special Church Rate or other ecclesiastical purpose, and subject to the foresaid conditions.

Trust funds may be invested.

The trustees may invest in such securities as trustees may lawfully hold, any funds in their hands, and accumulate the income thereof, or otherwise deal with such funds as they think expedient, subject to the provisions of this Act.

A.D. 1870.

Trustees to produce accounts.

The minister shall be the chairman of the trustees.

The trustees shall once at the least, in every year, lay before the heritors and kirk session an account of their receipts and expenditure during the preceding year, and of the mode in which such receipts have been derived, and expenditure incurred, together with a statement of the amount, if any, of funds remaining in their hands at the date of such account.

Short title.

10. This Act may be cited as the "Compulsory Church Rates Abolition (Scotland) Act, 1870."

Church Rates (Scotland).

A

B I L L

For the abolition of compulsory Church Rates in Scotland.

(Prepared and brought in by Mr. M'Laren, Mr. Graham, and Mr. Crawford.)

Ordered, by The House of Commons, *to be Printed,* 9 *February* 1870.

[Bill 5.] *Under* 1 *oz.*

City of London (Parishes, &c.) Bill.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Appointment of Commissioners.
3. Quorum of Commissioners.
4. Parochial ecclesiastical and charity property within the ancient City of London to vest in Commissioners.
5. Commissioners to have, as respects property vested in them, the same powers of inquiry as are possessed by Board of Charity Commissioners.
6. Commissioners to inquire into property vested in them, and classify same in two schedules, to be respectively called "The City of London Churches Fund" and "The City of London Charitable Trusts Fund."
7. Commissioners to have power to sell property and invest proceeds.
8. Commissioners to pay income of property vested in them to persons now entitled thereto.
9. Commissioners may withhold income from persons neglecting to furnish accounts.
10. Commissioners may frame scheme or schemes for application of Churches Fund.
11. More schemes than one may be made.
12. Method in which compensation for certain vested interests may be made.
13. As to churches for the new parishes.
14. Portion of site required to widen any thoroughfare not to be taken as having any money value.
15. Other churches may in certain cases be left standing.
16. Towers in certain cases may be left standing.
17. Provision for maintenance of graveyards and transfer of remains of dead from churches proposed to be removed.

18. Church furniture, &c. to be transferred to new churches.
19. Provision may be made for discharge of cathedral functions or payment of diocesan office.
20. Churches not to be removed without consent of incumbents.
21. Commissioners to frame scheme or schemes for application of Charitable Trusts Fund.
22. Charitable trusts less than fifty years old not to be affected without consent of trustees.
23. Schemes to be printed and circulated.
24. Commissioners to receive and consider during three months suggestions respecting schemes.
25. Schemes to be reprinted and circulated anew.
26. Petitions may be addressed to Her Majesty in Council in certain cases.
27. Procedure where scheme remitted with declaration.
28. Schemes may be approved by Order in Council when they have lain before Parliament for forty days.
29. Schemes when to take effect.
30. No commission henceforth to issue under Union of Benefices Act, but commissions already issued may proceed.
31. Suspensory clause.
32. Charity Commissioners, &c. not to sanction scheme affecting property vested in Commissioners without their consent.
33. Commissioners to make annual report to be laid before Parliament.
34. Expenses to be chargeable on income of funds vested in Commissioners.
35. Salaries and expenses to be at first paid out of moneys to be hereafter provided by Parliament, and eventually repaid to Treasury out of Churches Fund and Charitable Trusts Fund.
36. Interpretation of terms.

A

B I L L

TO

Provide for the better Arrangement of Parishes within the ancient Walls of the City of London, and for the better Management of the Parochial Charities and Trust Funds. A.D. 1870.

WHEREAS the population of the City of London within the walls has greatly decreased and is still decreasing:

And whereas, with few exceptions, persons employed in the said city now reside beyond its walls and within the limits of the metropolitan police district:

And whereas the ecclesiastical and parochial funds of the said City are of very great and increasing value:

And whereas there is great spiritual destitution in many districts of the metropolis and its suburbs, and funds are greatly needed in such districts for the extension of the ministrations of religion to persons belonging by their employment to the said city, but no longer residing therein, and for the promotion of education for their families:

And whereas the ecclesiastical and parochial funds of the said City are sufficient, after providing for the spiritual needs, whether by way of clerical ministrations or of education, of the present inhabitants of the said city, and after making due compensation for all vested interests, to leave a large surplus, out of which provision might be made for the spiritual and educational needs of the inhabitants of other parts of the metropolis:

And whereas an Act was passed in the twenty-third and twenty-fourth years of Her Majesty's reign, intituled "An Act to make "better provision for the union of contiguous benefices in cities, "towns, and boroughs," but the provisions of the said Act have in great measure failed to carry out the objects aimed at by the said Act, and it is desirable, after making due compensation for all vested interests, to make better provision for the attainment of such objects, and also to provide for the better management and application of the parochial trust funds of the said city:

A.D. 1870.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The City Churches and Parochial Charities Act, 1870."

Appointment of Commissioners.

2. The following persons, that is to say,

The Bishop of London for the time being;

The Lord Mayor of London for the time being;

The Recorder of London for the time being;

A person appointed by the Corporation of the City of London;

and *A.B.* *G.H.* *N.O.*

C.D. *I.K.* *P.Q.*

E.F. *L.M.* *R.S.*

shall be constituted Commissioners under this Act (herein-after called "the Commissioners"); they shall hold office during Her Majesty's pleasure; they shall be a body corporate with a common seal and a capacity to acquire and hold land for the purposes of this Act, and shall be styled "The City of London Parochial Funds Commissioners."

Two of the Commissioners, that is to say, P.Q. and R.S. shall be paid Commissioners and receive such salaries as the Commissioners of Her Majesty's Treasury may allot to them, and the persons who shall be appointed to fill the vacancies (if any) in the office of either of such two paid Commissioners shall receive like salaries.

None of the other eleven Commissioners shall receive any salary or payment for performing the duties imposed on him as Commissioner.

Four at least of the unpaid Commissioners besides the Lord Mayor and Recorder aforesaid shall be persons residing or having a place of business in the City of London.

If any vacancy occur by death, resignation, or otherwise in the office of any Commissioner (other than the Bishop of London, the Lord Mayor, the Recorder of London, and the person appointed by the Corporation of London aforesaid, and other than one of the paid Commissioners aforesaid,) the continuing Commissioners shall, with the consent of one of Her Majesty's Principal Secretaries of State, appoint some other fit person or persons to fill such vacancy. If such vacancy occur in the office of the person appointed by the Corporation of the City of London, the said Corporation shall appoint another fit person to fill such vacancy. If such vacancy occur in the office of one or both of the paid Commissioners, Her Majesty shall appoint some other fit person to fill such vacancy.

The Commissioners shall have power to appoint a secretary, and may be allowed by the Commissioners of Her Majesty's Treasury to employ such officers and clerks as may be found necessary. *The Commissioners of Her Majesty's Treasury may assign to such secretary, officers, and clerks such salaries as they may think proper.*

The Commissioners may also employ such architects, actuaries, surveyors, and other persons as they may think fit for the purpose of carrying out the provisions of this Act.

Quorum of Commissioners.

3. Three of the Commissioners, one of whom shall be one of the two paid Commissioners aforesaid, and two of whom shall be two of the eleven unpaid Commissioners aforesaid, shall be a quorum for all the purposes of this Act.

Parochial ecclesiastical and charity property within the ancient City of London to vest in Commissioners.

4. From and after *the passing of this Act* all property, real and personal, belonging to or held in trust for or otherwise appertaining to or appropriated to the use of any benefice within the ancient City of London, or any person as holder of any such benefice, or to any ecclesiastical purpose whatever connected with any parish within the ancient City of London, and all property real and personal heretofore given to or now held upon any charitable uses for the benefit of any parish or parishes within the ancient City of London, or of any person as the holder of any office connected with any such parish or parishes, or of the inhabitants of any such parish or parishes, or any part or class of such inhabitants, shall vest absolutely in the Commissioners in trust to hold, manage, or dispose of the same in manner herein-after provided, but subject to all quit-rents, leases, tenancies, equities, reservations, charges, and all other incumbrances and liabilities whatsoever affecting the same, and the Commissioners shall have and exercise all and every the rights and powers of dealing therewith, and disposing thereof, which are now possessed by the persons in whom such property is now vested, or which might have been exercised by them if this Act had not been passed.

Commissioners to have, as respects property vested in them, the same powers of inquiry as are possessed by Board of Charity

5. For the purpose of making inquiries into the nature, tenure, and value, of the property vested in them by this Act and every part thereof, and into the management of the income of the same and the purposes to which such income is or has been applied, the Commissioners shall from and after the *passing of this Act* have and enjoy in the case of any and every part of the property vested in them by this Act all such and the like rights, authorities, and powers as by "The Charitable Trusts Act, 1853," "The

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Commissioners.

Charitable Trusts Amendment Act, 1855," and "The Charitable "Trusts Act, 1860," are given to and vested in the Board of Charity Commissioners for England and Wales for the purpose of making inquiries relating to the property and income of any charity or the administration thereof, and for the purpose of enforcing by application to the Court of Chancery the compliance of any person with the requisitions made by the said Board; and such and the like rights, authorities, and powers shall be exercised by the Commissioners hereby constituted, or by any one of them acting under their authority, in the same full and ample manner and subject to the same conditions and restrictions as if in the three Acts aforesaid the Commissioners hereby constituted had been named or referred to wherever the said Board or its inspectors are named or referred to.

Commissioners to inquire into property vested in them, and classify same in two schedules, to be respectively called "The City of London Churches Fund" and "The City of London Charitable Trusts Fund."

6. The Commissioners shall, as soon as may be, proceed to inquire into the nature, tenure, and value of all the property so vested in them as aforesaid, and the purposes or trusts for or upon which the same has heretofore been or is now held or enjoyed, and to which the income thereof has been or is now applied, and shall classify the items of such property in two schedules, placing so much thereof as they consider to be ecclesiastical property and to belong to or be held in trust for or enjoyed by any ecclesiastical person as such, or to be appropriated to or held in trust for ecclesiastical purposes, in a schedule entitled "The City of London Churches Fund," and placing so much thereof as they shall judge to be appropriated to or held in trust for charitable purposes not ecclesiastical in another schedule entitled "The City of London Charitable Trusts Fund."

And for the purposes of the above inquiry the Commissioners shall be entitled to take copies of and extracts from all and any the reports, accounts, and documents in the possession of the Charity Commissioners for England and Wales.

Commissioners to have power to sell property and invest proceeds.

7. Whenever it shall appear to the Commissioners that any part of the property so vested in them as aforesaid may with advantage be sold and realised, they may sell such property upon such terms and conditions and to such purchasers as they may think fit, and shall invest the proceeds of every such sale in the names of the Commissioners in Government or Parliamentary securities; and where the property so sold has been scheduled as ecclesiastical property the proceeds of the sale thereof shall be carried to the account of the City of London Churches Fund; but where such property has been scheduled as charitable property not ecclesiastical,

then and in such case to the credit of the City of London Charitable Trusts Fund.

Commissioners to pay income of property vested in them to persons now entitled thereto.

8. The Commissioners shall pay over the annual income and proceeds of each and every part of the property so vested in them as aforesaid to the persons now respectively entitled to receive, enjoy, manage, or dispose of the same, until a scheme or schemes providing for the future application of the same shall have come into operation as herein-after provided, whether such property shall have been allowed by the Commissioners to remain in its present state or shall have been realised and invested as herein-before provided, and such persons shall be entitled to receive such income and proceeds in the same manner as if this Act had not been passed:

Provided, that if any such persons shall express in writing their desire not to receive such income and proceeds, the Commissioners may, if it seem to them proper so to do, invest the same in Government or Parliamentary securities, and carry the same to the credit of the City of London Churches Fund, or to the credit of the City of London Charitable Trusts Fund, as the case may be:

Provided also, that in the case of any charitable trust the Commissioners shall not be bound to pay over the income and proceeds thereof to the persons beneficially entitled thereto, but shall pay the same to the persons in whom the property subject to such trust was vested at *the passing of this Act* or would now have been vested if this Act had not been passed:

Provided also, that in the case of any charitable trust, the income whereof is not now applied for the benefit of any ecclesiastical person, the Commissioners shall not be bound to pay over out of such income to the person or persons entitled to manage or dispose of the same, any larger annual sum than the average annual income of such charitable trust during the *five years* immediately preceding *the passing of this Act.*

Commissioners may withhold income from persons neglecting to furnish accounts.

9. If any person or persons now entitled to manage any part of the property by this Act vested in the Commissioners, or to dispose of the income of the same, shall, when required by the Commissioners to furnish accounts and vouchers relating to the management of the same, and the disposal of the income thereof, up to the end of the last period for which such accounts have usually been made up, or if there be no such usual period, then up to the end of the year last preceding the date of the making of such requisition, refuse or neglect during the space of *three months* from the making of such requisition to furnish such accounts and vouchers, the Commissioners may in their discretion withhold the income and proceeds of

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such property from such person or persons so refusing or neglecting until he or they shall have furnished the accounts and vouchers required in a manner reasonably satisfactory to the Commissioners.

Commissioners may frame scheme or schemes for application of Churches Fund.

10. The Commissioners shall as soon as may be proceed to frame a scheme or schemes for the future application of the property scheduled by them under the title of the City of London Churches Fund, and shall in such scheme or schemes make provision for the following objects,—

(1.) For the union of contiguous benefices and parishes within the area of the ancient City of London so as to form new benefices and new ecclesiastical parishes with an adequate resident population in each, the boundaries of such new parishes to coincide, so far as conveniently may be, with the boundaries of the wards of the City of London:

(2.) For the assignment to each such new parish of an annual income sufficient for the support of a resident rector and of one or more resident curates, and for the maintenance of the fabric of one or more churches, and of public worship therein according to the rites of the Church of England:

(3.) For procuring and maintaining within the boundaries of or contiguous to each such new parish a suitable residence for the rector of such new parish, and a house or houses or chambers in which such rector may permit such curate or curates to reside:

(4.) For the making all necessary and proper arrangements for the future organisation and management of such new ecclesiastical parishes:

(5.) For the making of due compensation to all persons having any marketable right of patronage or other vested interest capable of being estimated in money which a scheme may propose to affect:

(6.) For the removal of such parish churches within the ancient City of London as in the opinion of the Commissioners are not needed for the purpose of making adequate provision either for the celebration of divine service in the new parishes to be proposed as aforesaid, or for other ecclesiastical purposes herein-after more particularly mentioned:

(7.) For the application of the surplus of the City of London Churches Fund to the erection and maintenance of new churches, or to the maintenance of the fabric of existing churches, or to the erection of new parsonages, or the

creation and endowment of new benefices, or to the better endowment of existing benefices, or generally to extending the benefit of clerical or spiritual ministrations in accordance with the doctrines or by the ministers of the Church of England as by law established, in the more populous districts of the metropolis.

More schemes than one may be made.

11. The Commissioners shall not be bound to provide in any one scheme for all the objects aforesaid, but may make provision for such objects by one or by more schemes in the manner they shall judge most convenient; nor shall anything herein be construed to prevent the Commissioners from providing in such scheme or schemes for any other object which shall upon inquiry appear to them to be necessary or desirable for the purposes of this Act, nor from proposing in any scheme any such modifications and variations as to matters of detail and regulation as shall not be substantially repugnant to any of the provisions of this Act.

Method in which compensation for certain vested interests may be made.

12. In providing compensation as well for such vested interests and rights of patronage aforesaid as for any other rights of patronage for which compensation ought, in the opinion of the Commissioners, to be made to the persons now entitled thereto, the Commissioners may, if they think fit, propose by any scheme to assign to the person or persons entitled to the advowson or incumbency of any existing benefice within the ancient City of London the advowson or incumbency of one of the new benefices within the ancient City of London which any scheme may propose to create, or of any benefice in some other part of the metropolis which any scheme may propose to create or to endow.

Provided that compensation shall not be proposed in such manner for any incumbent without his consent in writing, and without the consent in writing of the bishop of the diocese in which the benefice which such scheme may propose to assign to such incumbent is situate.

As to churches for the new parishes.

13. In selecting certain of the existing parish churches to be the churches of the new parishes to be proposed by any scheme the Commissioners shall take into consideration,—

(1.) The suitability of a church to be the parish church, either from its local position or its size and internal convenience and the condition of its fabric:

(2.) The architectural beauty and historical interest of a church:

(3.) The extent to which the removal of a church will widen or otherwise improve any public thoroughfare or open space:

(4.) The marketable value of the site of a church.

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Portion of site required to widen any thoroughfare not to be taken as having any money value.

14. In estimating the value of the site of a church no account shall be taken of any portion of such site which may be actually needed for the widening of a public thoroughfare, but the Commissioners may make provisional arrangements with the City of London Commissioners of Sewers, or with any other public body, for the leaving vacant of any piece or pieces of land vested in or under the control of the said Commissioners of Sewers, or other public body, which may lie between any public thoroughfare and any church, or tower of any church, architecturally ornamental, which any scheme may propose to leave standing, in consideration of the leaving vacant under any scheme of any portion of the site of any church which such scheme may propose to remove, and which may be needed for the purpose of widening a public thoroughfare; and such arrangements (if any) shall be set forth in any scheme by which it may be proposed to give effect to the same.

Other churches may in certain cases be left standing.

15. The Commissioners may provide in any scheme for placing any church, which it may not be proposed to constitute the parish church of one of the new parishes, at the disposal of the Bishop of London, to be used in such manner as he may from time to time direct, either for general or occasional services, or for the celebration of public worship according to the rites of the Church of England, in the Welsh or Irish or any foreign language.

Towers in certain cases may be left standing.

16. The Commissioners may provide in any scheme for the preservation and maintenance of the tower of any church which such scheme may propose to remove, if such tower be architecturally ornamental or of antiquarian or historical interest.

Provision for maintenance of graveyards and transfer of remains of dead from churches proposed to be removed.

17. The Commissioners shall by their scheme or schemes make provision for the due maintenance in decent order and condition of all existing graveyards within the ancient City of London; and also for the careful transfer of the remains of the dead from any part of any church, the removal of which may be proposed in any scheme, to such new places of burial as, after communication with the bishop of the diocese and the relatives of the deceased (if any shall appear), may to the Commissioners seem desirable.

Church furniture, &c. to be transferred to new churches.

18. The Commissioners shall by their scheme or schemes provide for the transference of any plate, ornaments, painted windows, or furniture, and of any organ, or any bells belonging to or held in trust for any church which a scheme may propose to remove to one of the new churches to be erected within the metropolis out of the surplus of the City of London Churches Fund, as herein-before provided, unless such ornaments, painted windows, furniture, bells,

or organ are in the opinion of the Commissioners unsuitable to any of such new churches, in which case they may dispose of the same in such manner as they may think fit; and they shall also provide for the transference to any of such new churches of the name of any church which a scheme may propose to remove, and for the careful removal to and re-erection in either one of such new churches or one of the churches of the new parishes to be created within the ancient City of London, of all monuments now placed in any church which a scheme may propose to remove.

Provision may be made for discharge of cathedral functions or payment of diocesan office.

19. The Commissioners may in any scheme provide for the application of a portion of the surplus of the City of London Churches Fund to the payment of any spiritual person who may discharge any ecclesiastical functions in the cathedral church of Saint Paul which have been usually hitherto discharged by the holder of a benefice within the ancient City of London, in consideration of the future discharge of such functions by such person, or to the payment of any existing diocesan office, or the creation and payment of any such new diocesan office within the diocese of London, as may, in the opinion of the Commissioners and the bishop of the diocese, have become necessary in consequence of the increase of the population of the metropolis.

Churches not to be removed without consent of incumbents.

20. Notwithstanding anything in any scheme or in this Act contained, no church shall be removed, nor shall the performance of divine service in any church be discontinued, without the consent of the incumbent of such church, if such incumbent shall have been presented to such church at any time before the passing of this Act, nor shall any such incumbent so presented as aforesaid be deprived of his benefice, or of any of the emoluments appertaining thereto, without his consent.

Commissioners to frame scheme or schemes for application of Charitable Trusts Fund.

21. The Commissioners shall as soon as may be proceed to frame a scheme or schemes for the future application of the property scheduled by them under the title of the City of London Charitable Trusts Fund, and shall in such scheme or schemes make provision,—

(1.) For the making due compensation to all persons having any marketable right of patronage which a scheme may propose to affect, or having any other vested interest which a scheme may propose to affect and which may in the opinion of the Commissioners be a proper subject for compensation:

(2.) For the application of the surplus of the said fund (which shall remain after making such compensation) to the

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extension and improvement of education within the metropolis, and to the promotion by such means as the Commissioners may judge best of the well-being of the poorer inhabitants of the metropolis.

Charitable trusts less than fifty years old not to be affected without consent of trustees.

22. No scheme shall be framed so as to affect or shall affect any property originally given to charitable uses less than fifty years before the passing of this Act, unless the person or persons who is or are, or would have been if this Act had not been passed, the trustee or trustees of such property, or otherwise entitled to manage or dispose of the income and proceeds of the same, signify his or their assent to the scheme.

Schemes to be printed and circulated.

23. The Commissioners shall proceed to frame schemes in the following manner. When they have prepared the draft of a scheme they shall cause the same to be printed, and printed copies thereof to be sent to the incumbent of every church, and to each of the churchwardens of every parish, and to the trustees or other persons entitled to manage or dispose of the income of every charitable trust, which the scheme may propose to affect, and to every person having any right of patronage or vested interest which the scheme may propose to affect; and if the scheme proposes to apply a portion of the surplus of the City of London Churches Fund to the creation or support of any benefice or church within either of the dioceses of Winchester or Rochester then also to the Bishop of Winchester or the Bishop of Rochester, as the case may be; and the Commissioners shall also cause printed copies of the draft scheme to be published and circulated generally in such manner as they think sufficient to bring it before the notice of all persons interested in the matters to which it relates.

Commissioners to receive and consider during three months suggestions respecting schemes.

24. During three months after the first publication of the draft of any scheme the Commissioners shall receive any objections or suggestions made to them in writing respecting such scheme, and shall duly consider the same, and shall, if they think fit, institute any such further inquiry into the matters to which the scheme relates as they may deem necessary.

Schemes to be reprinted and circulated anew.

25. As soon as may be after the expiration of the said three months from the publication of a draft scheme, the Commissioners shall proceed to revise the same, and may, if they shall think fit, amend it or add to it in any way they shall consider necessary or desirable, and shall then cause the scheme to be reprinted, and to be published and circulated afresh in the same manner as before.

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Petitions may be addressed to Her Majesty in Council in certain cases.

26. If any person having any vested interest which a scheme may propose to affect shall feel aggrieved by reason of such schemes not saving or not making due compensation for such interest, he may at any time within two months from the second publication of such scheme petition Her Majesty in Council to withhold her assent from the same, or any part of the same, unless it shall be altered so as to save or make due compensation for his vested interest; and Her Majesty may refer any such petition for the consideration and advice of not less than three members of Her Privy Council, and such three members may investigate the matter in such way as they think fit, and report to Her Majesty in Council thereupon.

Any petition not proceeded with in accordance with the regulations made with respect to petitions presented to the Judicial Committee of the Privy Council shall be deemed to be withdrawn.

It shall be lawful for Her Majesty by Order in Council to direct that the scheme petitioned against be laid before Parliament, or to remit it to the Commissioners with such a declaration as the nature of the case may require, or to vary it in such manner as to Her Majesty may seem good, and direct it to be laid as so varied before Parliament.

Procedure where scheme remitted with declaration.

27. Where a scheme is remitted with a declaration the Commissioners may either proceed to prepare another scheme in the matter in the same manner as if no scheme had been previously prepared, or may submit for the approval of Her Majesty in Council such amendments in the scheme as will bring it into conformity with the declaration, and Her Majesty may thereupon by Order in Council direct that the scheme be laid before Parliament.

Schemes may be approved by Order in Council when they have lain before Parliament for forty days.

28. After the time has elapsed for a petition to Her Majesty in Council against any scheme, or after Her Majesty in Council has directed a scheme to be laid before Parliament, the scheme shall be forthwith laid before both Houses of Parliament, if Parliament be then sitting, or if not then within three weeks after the beginning of the next ensuing session of Parliament; and after such scheme has lain for forty days before Parliament, then unless within such forty days an address has been presented by one or other of the said Houses, praying Her Majesty to withhold her consent from such scheme, or any part thereof, it shall be lawful for Her Majesty in Council to declare by order her approbation of such scheme, or any part thereof to which such address does not relate.

Schemes when to take effect.

29. No scheme shall of itself have any operation, but the same when and as approved by Her Majesty in Council shall, from the date specified in the scheme, or if no date is specified, then from

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the date of the Order in Council, have full operation and effect in the same manner as if it had been enacted in this Act.

Where a scheme shall have been so framed as to make it necessary that any further acts should be done in order to carry out the arrangements prescribed by such scheme, the Commissioners shall have power, immediately after the making of such Order in Council, to do and execute, or cause to be done and executed, all such acts and deeds, and all such conveyances and assurances in the law whatsoever, as may in their judgment be necessary for carrying out the provisions of the scheme approved by such order, and for securing the application of the property dealt with by such scheme to the purposes to which such scheme may direct it to be applied.

No commission henceforth to issue under Union of Benefices Act, but commissions already issued may proceed.

30. After the *passing of this Act* no commission shall be issued by the Bishop of London under the aforesaid Statute of the twenty-third and twenty-fourth years of the reign of Her Majesty, chapter 142, entitled "An Act for the Union of contiguous Benefices in cities, "towns, and boroughs," for the union of any two or more benefices within the ancient City of London, but if any such commission shall have been issued before the passing of this Act, and the persons empowered to act under such commission shall, within two months from the passing of this Act, give notice in writing to the Commissioners of their intention to proceed with such union, such commission may continue to act, and the proceedings for the union of any two or more benefices may be prosecuted and such union be completed in the same manner as if this Act had not been passed; but if such persons shall not give such notice within two months as aforesaid, then such commission shall cease to act and any proceedings taken thereunder shall be void.

Suspensory Clause.

31. During the continuance of the powers by this Act given to the Commissioners no benefice within the ancient City of London which may become vacant by death, resignation, or otherwise shall be filled up by the presentation of any spiritual person thereto, unless or until the consent of the Commissioners, testified under their common seal, shall have been given to the filling up thereof:

Where any such benefice shall remain vacant by reason of the Commissioners refusing their consent to the filling up thereof, the Commissioners shall invest the income thereof in Government or Parliamentary securities, and carry the same to the credit of the City of London Churches Fund; provided, that in every such case the Commissioners may, if it appear to them desirable so to do, make due provision for the maintenance of divine service according

to the rites of the Church of England in the church of such benefice, and for the due discharge of any ecclesiastical and spiritual duties and functions hither discharged by the incumbent of such benefice, and shall defray the costs and expenses of making such provision out of the income of the City of London Churches Fund.

Charity Commissioners &c. not to sanction scheme affecting property vested in Commissioners without their consent.

32. During the continuance of the powers by this Act given to the Commissioners neither the Charity Commissioners for England and Wales, nor the Endowed Schools Commissioners, nor any Court or judge shall, with respect to any part of the charitable property by this Act vested in the Commissioners as aforesaid, make any scheme or appoint any new trustees, without the consent of the Commissioners testified under their common seal.

Commissioners to make annual report to be laid before Parliament.

33. The Commissioners shall in each year, on or before the *first day of March*, make a report to one of Her Majesty's Principal Secretaries of State of the proceedings of the Commission during the year preceding the *first day of November* then last past, and shall annex to such report copies of the schemes approved by Her Majesty in Council during such year, and also an abstract of the accounts of the Commission during such year, and within fourteen days after the receipt of such report the same shall be laid before both Houses of Parliament, if Parliament be then sitting, or if not, then within *fourteen days* after the then next meeting of Parliament.

Expenses to be chargeable on income of funds vested in Commissioners.

34. The salaries paid and expenses incurred in carrying out this Act shall be defrayed out of the income of the City of London Churches Fund and the City of London Charitable Trusts Fund (in such proportions as the Commissioners may determine) as soon as the property composing the same shall have come under the management of the Commissioners, and the annual income thereof, after satisfying all the existing claims thereon which the Commissioners are herein-before directed to satisfy shall leave a surplus sufficient to defray such salaries and expenses: Provided, that such salaries and expenses shall not in any one year, except under special circumstances and with the sanction of the Commissioners of Her Majesty's Treasury, exceed the sum of one shilling in the pound upon the net annual income of the two funds aforesaid.

Salaries and expenses to be at first paid out of moneys to be hereafter provided by Parliament, and even-

35. Until the property comprising the two funds aforesaid shall have come under the management of the Commissioners, and the income thereof shall leave such surplus as aforesaid, *such salaries and expenses shall in the first instance be defrayed out of moneys to be hereafter provided by Parliament, but as soon as such income shall leave a surplus sufficient to enable them so to do, the Commissioners*

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tually repaid to Treasury out of Churches Fund and Charitable Trusts Fund.

shall repay to the Commissioners of Her Majesty's Treasury the amount so paid on account of such salaries and expenses, with interest thereon at the rate of four per cent. per annum, out of the City of London Churches Fund and the City of London Charitable Trusts Fund in such proportions as the Commissioners may determine.

Interpretation of terms.

36. In this Act, unless the context otherwise requires,—

The term "ancient City of London" shall mean the parishes named in the schedule to this Act:

The term "metropolis" shall mean the metropolitan police district together with the City of London and the liberties thereof:

The term "benefice" shall mean and include parish, vicarage, endowed public chapel, and lectureship, preachership, or readership annexed or reputed to be annexed to any parish church or chapel:

The term "person" shall include any body of persons, whether corporate or unincorporate.

The SCHEDULE.

Allhallows, Barking.
Allhallows, Bread Street.
Allhallows the Great.
Allhallows the Less.
Allhallows, Honey-Lane.
Allhallows, Lombard Street.
Allhallows, London Wall.
Allhallows, Staining.
Christ Church.
Saint Alban.
Saint Alphage.
Saint Andrew by the Wardrobe.
Saint Andrew Hubbard.
Saint Andrew Undershaft, with Saint Mary-at-Axe.
Saint Anne and Agnes.
Saint Anne, Blackfriars.
Saint Antholin.
Saint Augustine.
Saint Bartholomew, Exchange.
Saint Bene't, Fink.
Saint Bene't, Gracechurch.
Saint Bene't, Paul's Wharf.
Saint Bene't, Sherehog.
Saint Botolph, Billingsgate.
Saint Christopher le Stocks.
Saint Clement, Eastcheap.
Saint Dionis, Backchurch.
Saint Dunstan in the East.
Saint Edmund the King and Martyr.
Saint Ethelburga.
Saint Faith under Saint Paul's.
Saint Gabriel, Fenchurch.
Saint George, Botolph Lane.
Saint Gregory by Saint Paul.
Saint Helen.
Saint James, Garlickhythe.
Saint James within Aldgate.
Saint John the Baptist, upon Walbrook.
Saint John the Evangelist.
Saint John Zachary.
Saint Katherine Coleman.
Saint Katherine Cree.
Saint Lawrence, Jewry.
Saint Lawrence, Pountney.
Saint Leonard, East Cheap.
Saint Leonard, Foster Lane.
Saint Magnus the Martyr.
Saint Margaret Moyses.
Saint Margaret, Lothbury.
Saint Margaret, New Fish Street.
Saint Margaret Pattens.
Saint Martin, Ludgate.
Saint Martin, Orgars.
Saint Martin, Outwich.
Saint Martin, Pomeroy.
Saint Martin, Vintry.
Saint Mary, Abchurch.
Saint Mary, Aldermanbury.
Saint Mary, Aldermary.
Saint Mary-at-Hill.
Saint Mary, Bothaw.
Saint Mary, Colechurch.
Saint Mary-le-Bow.
Saint Mary Magdalen, Milk Street.
Saint Mary Magdalen, Old Fish Street.
Saint Mary Mounthaw.
Saint Mary, Somerset.

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Saint Mary, Staining.
Saint Mary, Woolchurch Haw.
Saint Mary, Woolnoth.
Saint Matthew, Friday Street.
Saint Michael, Basishaw.
Saint Michael, Cornhill.
Saint Michael, Crooked Lane.
Saint Michael-le-Querne.
Saint Michael, Paternoster Royal.
Saint Michael, Queenhithe.
Saint Michael, Wood Street.
Saint Mildred, Bread Street.
Saint Mildred, Poultry.
Saint Nicholas, Acons.
Saint Nicholas, Coleabbey.
Saint Nicholas, Olave.
Saint Olave, Hart Street, with Saint Nicholas ad Macellas.
Saint Olave, Old Jewry.
Saint Olave, Silver Street.
Saint Pancras, Soper Lane.
Saint Peter upon Cornhill.
Saint Peter-le-Poer.
Saint Peter, Paul's Wharf.
Saint Peter, West Cheap.
Saint Stephen, Walbrook.
Saint Swithin, London Stone.
Saint Thomas Apostle.
Saint Vedast, Foster.
Trinity the Less.

Saint Sepulchre.

City of London (Parishes, &c.).

A

B I L L

To provide for the better Arrangement of Parishes within the ancient Walls of the City of London, and for the better Management of the Parochial Charities and Trust Funds.

(Prepared and brought in by Mr. Andrew Johnston, Viscount Sandon, Mr. William Henry Smith, and Mr. Charles Dalrymple.)

Ordered, by The House of Commons, *to be Printed,* 16 *March* 1870.

[Bill 74.]

Under 3 *oz.*

A

B I L L

FOR

The relief of persons admitted to the office of Priest or Deacon in the Church of England and desiring to relinquish the same. A.D. 1870.

WHEREAS it is expedient that relief be given in respect of civil disabilities and in certain other respects to persons who have been admitted to the office of priest or of deacon in the Church of England and who desire to relinquish the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as The Clerical Disabilities Act, 1870. Short title.

2. In this Act— Interpretation.

The term "the Church of England" means the Church of England as by law established:

The term "minister" means a priest or a deacon:

The terms "preferment," "bishop," and "diocese" respectively have the same meaning as in the Act thirdly mentioned in the first schedule to this Act. 3 & 4 Vict. c. 86. s. 2.

3. If any person admitted (before or after the passing of this Act) to the office of minister in the Church of England desires to relinquish the same, he may, after having resigned any and every preferment held by him, do the following things:— Execution and inrolment of deed of relinquishment.

(1.) He may execute a deed of relinquishment of his office of minister in the form given in the second schedule to this Act:

(2.) He may cause the same to be inrolled in the High Court of Chancery:

(3.) He may deliver an office copy of the inrolment to the bishop of the diocese in which he last held a perferment, or if he has not held any preferment then to the bishop of the diocese in which he is resident, in either case stating his place of residence:

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(4.) He may give notice of his having so done to the archbishop of the province in which that diocese is situate.

Recording by bishop of deed of relinquishment and consequences thereof.

4. At the expiration of six months after an office copy of the inrolment of a deed of relinquishment has been so delivered to a bishop, he or his successor in office shall, on the application of the person executing the deed, cause the deed to be recorded in the registry of the diocese, and thereupon and thenceforth (but not sooner) the following consequences shall ensue with respect to the person executing the deed :—

(1.) He shall be deemed to have relinquished to all intents in law the office of minister in the Church of England :

(2.) He shall be incapable of officiating or acting in any manner as a minister of the Church of England, and of taking or holding any preferment therein, and shall cease to enjoy all rights, privileges, advantages, and exemptions attached to the office of minister in the Church of England :

(3.) Every licence, office, and place held by him for which it is by law an indispensable qualification that the holder thereof should be a minister of the Church of England shall be ipso facto determined and void :

(4.) He shall be by virtue of this Act discharged and free from all disabilities, disqualifications, restraints, and prohibitions to which, if this Act had not been passed, he would, by force of any of the enactments mentioned in the first schedule to this Act or of any other law, have been subject as a person who had been admitted to the office of minister in the Church of England, and from all jurisdiction, penalties, censures, and proceedings to which, if this Act had not been passed, he would or might, under any of the same enactments or any other law, have been amenable or liable in consequence of his having been so admitted and of any act or thing done or omitted by him after such admission.

Provision for pending proceedings before recording in registry.

5. Provided, that if within the aforesaid period of six months the bishop to whom an office copy of the inrolment of a deed of relinquishment is delivered, or his successor in office, has notice of proceedings pending against the person executing the deed as a person who had been admitted to the office of minister in the Church of England, the bishop shall, on the application of that person, cause the deed to be recorded in the registry of the diocese on the termination of those proceedings by a definitive sentence, or interlocutory decree having the force and effect of a definitive sentence, and execution thereof, but not sooner.

Service at place of residence stated.

6. For the purposes of any proceedings instituted within the aforesaid period of six months against a person executing a deed of relinquishment under this Act, the service of any citation, notice, or other document at the place stated by him in pursuance of this Act as his place of residence shall be good service.

Deed of revocation and recording by archbishop and consequences thereof.

7. If any person, after having relinquished the office of minister in the Church of England in manner provided by this Act, is desirous of resuming the same, he may do the following things :—

(1.) He may execute a deed of revocation, in the form given in the second schedule to this Act, of the deed of relinquishment executed by him :

(2.) He may cause the deed of revocation to be inrolled in the High Court of Chancery :

(3.) He may deliver an office copy of the inrolment to the archbishop to whom he gave notice as required by this Act or his successor in office :

The archbishop to whom the same is so delivered, or his successor in office, may, if he thinks fit, either immediately or after such a lapse of time as he thinks fit, on the application of the person executing the deed of revocation, cause the deed to be recorded in the registry of the province, and thereupon and thenceforth (but not sooner) the person executing the deed of revocation shall become and be to all intents in law as if he had not executed a deed of relinquishment under this Act, save that he shall not be capable of taking or holding any preferment in the Church of England before the expiration of two years after the recording of the deed of revocation in the registry of the province.

Copy of record to be evidence.

8. A copy of the record in the registry of a diocese or province of a deed of relinquishment or revocation under this Act, duly extracted and certified by the registrar of the bishop or archbishop, shall be evidence of the due execution, inrolment, and recording of the deed, and of the fulfilment of all the requirements of this Act in relation thereto.

The registrar of the bishop or archbishop shall on the application of the person executing the deed give to him a copy of the record thereof duly extracted and certified on payment of a fee not exceeding *ten shillings* for the recording and copy thereof.

Saving for pecuniary liabilities.

9. Nothing in this Act shall relieve any person or his estate from any liability in respect of dilapidations or from any debt or other pecuniary liability incurred or accrued before or after his execution of a deed of relinquishment under this Act, and the same may be enforced and recovered as if this Act had not been passed.

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SCHEDULES.

THE FIRST SCHEDULE.

Enactments referred to.

41 Geo. 3. c. 63. (1.) The Act of the session of the forty-first year of the reign of King George the Third (chapter sixty-three) "to remove doubts "respecting the eligibility of persons in holy orders to sit in the "House of Commons" as far as it relates to persons ordained to the office of priest or of deacon before their election to serve in Parliament.

5 & 6 Will. 4. c. 76. s. 28. (2.) Section twenty-eight of the Act of the session of the fifth and sixth years of the reign of King William the Fourth (chapter seventy-six) "to provide for the regulation of municipal corpora-"tions in England and Wales."

3 & 4 Vict. c. 86. (3.) The Act of the session of the third and fourth years of Her Majesty's reign (chapter eighty-six) "for better enforcing church "discipline."

THE SECOND SCHEDULE.

Form of Deed of Relinquishment.

Know all men by these presents, that I *A.B.* of having been admitted to the office of priest [*or* deacon, *as the case may be*] in the Church of England, [and having resigned *here to be inserted description of late preferment, if any,*] do hereby, in pursuance of The Clerical Disabilities Act, 1870, relinquish the office aforesaid, and all rights, privileges, advantages, and exemptions attached to the same. In witness whereof I have hereunto set my hand and seal, this day of 18 .

(Signed) *A.B.* (L.S.)

Executed by *A.B.* in presence of
C.D. of
[*address and description of witness*].

A.D. 1870.

Form of Deed of Revocation.

Know all men by these presents, that I *A.B.* of having been admitted to the office of priest [*or* deacon, *as the case may be*] in the Church of England, and having in pursuance of The Clerical Disabilities Act, 1870, executed a deed of relinquishment of that office, and of all rights, privileges, advantages, and exemptions attached thereto, do hereby, in pursuance of the same Act, revoke the said deed. In witness whereof I have hereunto set my hand and seal, this day of 18 .

(Signed) *A.B.* (L.S.)

Executed by *A.B.* in the presence of
C.D. of
[*address and description of witness*].

Clerical Disabilities.

A

BILL

For the relief of persons admitted to the office of Priest or Deacon in the Church of England and desiring to relinquish the same.

(*Prepared and brought in by Mr. Hibbert, Mr. John Lewis, and Mr. Biddulph.*)

Ordered, by The House of Commons, *to be Printed*, 25 *February* 1870.

[Bill 49.]

Under 1 *oz.*

A

B I L L

TO

Consolidate and amend the law relating to the Coinage and Her Majesty's Mint. A.D. 1870.

WHEREAS it is expedient to consolidate and amend the law relating to the Coinage and Her Majesty's Mint:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Coinage Act, 1870." Short title.

2. In this Act— Definitions.

The term "Treasury" means the Lord High Treasurer for the time being, or the Commissioners of Her Majesty's Treasury for the time being, or any two of them;

The term "the Mint" means, except as expressly provided, Her Majesty's Royal Mint in England; and

The term "British possession" means any colony, plantation, island, territory, or settlement within Her Majesty's dominions and not within the United Kingdom.

3. After the *passing of this Act*, all coins made at the Mint of the denominations mentioned in the first schedule to this Act shall be of the weight and fineness specified in that schedule, and the standard pieces of coin shall be made accordingly. Standard of coins.

If any coin of the same metal, but of any other denomination, is hereafter coined at the Mint, such coin shall be of a weight and fineness bearing the same proportion to the weight and fineness specified in the first schedule as the denomination of such coin bears to the denominations mentioned in that schedule.

No coin of gold, silver, or bronze shall be issued from the Mint except in accordance with the provisions of this section:

Provided that in the making of coins a remedy (or variation from the standard mentioned in the first schedule) shall be allowed of an amount not exceeding the amount specified in the said schedule.

A.D. 1870.

Legal tender.

4. A tender of payment of money shall be a legal tender if made in coins, either by tale or weight, which have been issued by the Mint in accordance with the provisions of this Act, and have not been called in by any proclamation made in pursuance of this Act, and have not become diminished in weight, by wear or otherwise, so as to be of less weight than the current weight, that is to say, than the weight (if any) specified as the least current weight in the first schedule to this Act, or such weight as may be declared by any such proclamation.

Provided that such coins shall not be a legal tender,

(1.) In the case of silver coins, if the amount of such payment exceeds forty shillings;

(2.) In the case of pence, if the amount exceeds one shilling;

(3.) In the case of halfpence or farthings, if the amount exceeds sixpence.

All such gold coins shall be a legal tender for a payment of any amount, but nothing in this Act shall prevent any paper currency which under any Act or otherwise is a legal tender from being a legal tender.

Prohibition of other coins and tokens. 52 G. 3. c. 157.

5. No piece of gold or silver or bronze, or of any mixed metal, of any value whatever, shall be made or issued, except by the Mint, as a coin or a token for money, or as purporting that the holder thereof is entitled to demand any value denoted thereon. Every person who acts in contravention of this section shall be liable on summary conviction to a penalty not exceeding *twenty* pounds.

Contracts, &c. to be made in currency. 6 G. 4. c. 79.

6. Every contract, bargain, sale, agreement, bond, bill, note, draft, acceptance, gift, grant, receipt, payment, acknowledgment, undertaking, and security for money, and every transaction, dealing, matter, and thing whatever relating to money, or involving the payment of or the liability to pay any money, which is made, executed, or entered into, done or had, shall be made, executed, entered into, done and had according to the coins which are current and legal tender in pursuance of this Act, and not otherwise, unless the same be made, executed, entered into, done or had according to the currency of some foreign state.

Defacing light gold coin. 14 G. 3. c. 70. s. 7.

7. Where any gold coin of the realm is below the current weight, every person shall, by himself or others, cut, break, or deface any such coin tendered to him in payment, and the person tendering the same shall bear the loss.

If any coin cut, broken, or defaced in pursuance of this section is not below the current weight, the person cutting, breaking, or defacing the same shall receive the same in payment according to its denomination.

Any dispute which may arise under this section may be determined by a summary proceeding. A.D. 1870.

Exchange of old silver coin for new. 56 G. 3. c. 68. ss. 5 and 6.

8. Any person may bring to the Mint, or to any person appointed by the Treasury for the purpose, any coin which is judged by any officer of the Mint appointed by the master of the Mint for the purpose to be old silver coin of this realm, and there shall be delivered from the Mint to such person new silver coin coined in accordance with this Act, equal to the amount so brought, according to the denominations of such coin.

Coining of bullion taken to Mint. 18 Cha. 2. c. 5. 56 G. 3. c. 68.

9. Where any person or body brings to the Mint any gold bullion, such bullion shall be assayed and coined, and delivered out to such person, without any charge for such assay or coining, or for waste in coinage.

Where, after the date in that behalf fixed by a proclamation under this Act, any person or body brings to the Mint any silver bullion, such bullion shall be assayed and coined, and delivered out to such person, at the rate of sixty-two shillings for every 5,760 grains imperial weight, or 373·24195 grams metric weight, of silver bullion of standard fineness so brought, in whatever denomination the same is coined.

Provided that—

(1.) If the fineness of the whole of the bullion, whether gold or silver, so brought to the Mint is such that it cannot be brought to the standard fineness under this Act of the coin to be coined thereout, without refining some portion of it, the master of the Mint may refuse to receive, assay, or coin such bullion:

(2.) Where the bullion, whether gold or silver, so brought to the Mint is finer than the standard fineness under this Act of the coin to be coined thereout, there shall be delivered to the person or body taking the same such additional amount of coin as is proportionate to such superior fineness.

No undue preference shall be shown to any person or body under this section, and every person or body shall have priority according to the time at which he or they brought such bullion to the Mint.

Purchase of bullion. 7 & 8 W. 4. c. 9. s. 4.

10. The Treasury may from time to time issue to the Master of the Mint, out of the growing produce of the Consolidated Fund, such sums as may be necessary to enable him to purchase bullion in order to provide supplies of coin for the public service.

Payment of profits, &c. to Exchequer.

11. All sums received by the Master of the Mint, or any deputy master or officer of the Mint, in payment for coin produced from

A.D. 1870.

7 & 8 W. 4. c. 9. ss. 3, 4.

bullion purchased by him, or by way of mint charge or seignorage upon the coinage of any coin, and all fees and other payments received by the Master or any deputy master or officer of the Mint as such shall (save as otherwise provided in the case of any branch mint in a British possession by a proclamation respecting such branch mint) be paid into the receipt of the Exchequer and carried to the Consolidated Fund.

Regulations by proclamation.

12. It shall be lawful for Her Majesty, with the advice of Her Privy Council, from time to time by proclamation to do all or any of the following matters; namely,

(1.) To determine the dimension of and design for any coin:

(2.) To determine the denominations of coins to be coined at the Mint:

(3.) To determine the current weight of any coin not being less than the weight (if any) specified in the first schedule to this Act:

(4.) To call in all coins, or coins of any date or denomination, or any coins coined before the date in the proclamation mentioned:

(5.) To direct that any coin of mixed metal shall be current and be a legal tender for the payment of any amount not exceeding the amount specified in the proclamation, and not exceeding two pounds:

(6.) To direct that coins coined in any foreign country shall be current, and be a legal tender, at such rates, up to such amounts, and in such portion of Her Majesty's dominions as may be specified in the proclamation:

(7.) To regulate any matters relative to the coinage and the Mint which are not provided for by this Act:

26 & 27 Vict. c. 74. 29 & 30 Vict. c. 64.

(8.) To direct the establishment of any branch of the Mint in any British possession, and impose a charge for the coinage of gold thereat; determine the application of such charge, and determine the extent to which such branch is to be deemed part of the Mint, and coins issued therefrom are to be current and be a legal tender, and to be deemed to be issued from the Mint:

(9.) To direct that the whole or any part of this Act shall apply to and be in force in any British possession, with or without any modifications contained in the proclamation:

(10.) To revoke or alter any proclamation previously made.

Every such proclamation shall come into operation on the date therein in that behalf mentioned, and shall have effect as if it were enacted in this Act.

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Regulations by Treasury.

13. The Treasury may from time to time by regulation do all or any of the following things:

(1.) Fix the number and duties of the officers of and persons employed in the Mint:

(2.) Make regulations and give directions (subject to the provisions of this Act and any proclamation made thereunder) respecting the general management of the Mint:

(3.) Make regulations respecting the trial of the pyx.

Trial of the pyx.

14. For the purpose of ascertaining that coins issued from the Mint have been coined in accordance with this Act, a trial of the pyx shall be held, and the following provisions shall be made; namely,

(1.) Such coins, out of those issued by the Mint, as the Treasury direct, shall be from time to time set apart for the trial of the pyx, and the Treasury shall from time to time, at least once in every year, cause the coins so set apart to be examined in manner provided by this Act:

(3.) The Treasury shall issue a warrant to the wardens of the mystery of Goldsmiths of the city of London, requiring them to summon, and they shall accordingly summon, a sufficient number, not less than six, of competent freemen of the company, or other competent persons, to form a jury and attend at the trial of the pyx at the day and place named in the warrant:

(4.) The persons so summoned shall attend in accordance with such summons, and the Treasury shall cause the proper officers of the Treasury, the Mint, and the Board of Trade to attend at the same day and place:

(5.) Some person appointed for the purpose by the Treasury shall preside at the trial, and shall administer to the jury the oath or affirmation set out in the second schedule to this Act, and shall charge the jury when so sworn:

(6.) The master of the Mint shall cause to be produced before the jury the coins set aside in pursuance of this section, and any standard weights and trial pieces in his possession, and the Board of Trade shall cause to be produced before the jury the standard weights and trial pieces, and the jury shall inquire whether the coins so set apart have been coined in conformity with the provisions of this Act:

(7.) Subject to the express provisions of this section, the trial shall be conducted and inquiry made in accordance with the regulations made by the Treasury:

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(8.) The verdict shall be recorded by the person who presides at the trial, and shall be published in the London Gazette, and kept among the records of the Treasury.

Master and Officers of Mint.

Master of Mint.

15. The Chancellor of the Exchequer of Great Britain for the time being shall be the master, worker, and warden of Her Majesty's Royal Mint in England, and governor of the Mint in Scotland.

Provided that nothing in this section shall render the Chancellor of the Exchequer incapable of being elected to or of sitting or voting in the House of Commons, or vacate the seat of the person who at the passing of this Act holds the office of Chancellor of the Exchequer.

All duties, powers, and authorities imposed on or vested in or to be transacted before the Master of the Mint may be performed and exercised by or transacted before him or his sufficient deputy.

Deputy masters and officers.

16. The Master of the Mint may from time to time appoint deputy masters and other officers and persons for the purpose of carrying on the business of the Mint in the United Kingdom or elsewhere, and assign them their duties, and award them such salaries as the Treasury may fix.

Standard Trial Pieces and Weights.

Custody, &c. of standard trial pieces. See 29 & 30 Vict. c. 82. s. 13.

17. The standard trial pieces of gold and silver used for determining the justness of the gold and silver coins of the realm issued from the Mint, which now exist or may hereafter be made, and all books, documents, and things used in connexion therewith or in relation thereto, shall be in the custody of the Board of Trade, and shall be kept in such places and in such manner as the Board of Trade may from time to time direct; and the performance of all duties in relation to such trial pieces shall be part of the business of the Standard Weights and Measures Department of the Board of Trade.

The Board of Trade shall cause such trial pieces to be produced at the trial of the pyx, and on any other occasion on which such production may be lawfully required.

The Mystery of Goldsmiths of the City of London, or other competent persons, shall from time to time, when required by the Board of Trade, cause new standard trial pieces to be made and duly verified, of such standard fineness as may be in conformity with the provisions of this Act.

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Making standard weights for coin. 14 G. 3. c. 92. 29 & 30 Vict. c. 82.

18. The standard weights for weighing and testing the coin of the realm shall be placed in the custody of the Board of Trade, and the business relating to such standard weights shall be part of the business of the Standard weights and measures Department of the Board of Trade.

The Board of Trade shall from time to time cause weights of each coin of the realm for the time being, and of multiples of such weights as may be required, to be made and duly verified; and such weights, when approved by Her Majesty in Council, shall be the standard weights for determining the justness of the weight of and for weighing such coin.

The Master of the Mint shall from time to time cause copies to be made of such standard weights, and once at least in every year the Board of Trade and the Master of the Mint shall cause such copies to be compared and duly verified with the standard weights in the custody of the Board of Trade.

All weights used for weighing coin shall be compared with the said standard weights, and if found to be just shall, on payment of such fee, not exceeding *one shilling*, as the Board of Trade from time to time prescribe, be marked by some officer of the Standard weights and measures Department of the Board of Trade with a mark approved of by the Board of Trade, and notified in the London Gazette, and a weight not so marked shall not be deemed a just weight for determining the weight of gold and silver coin of the realm.

If any person forges or counterfeits such mark, or any weight so marked, or knowingly utters or sells or uses any weight with such counterfeit mark, or wilfully increases or diminishes any weight so marked, or knowingly uses or sells any weight so increased or diminished, such person shall be liable to a penalty not exceeding *fifty* pounds.

All fees paid under this section shall be paid into the Exchequer, and carried to the Consolidated Fund.

Legal Proceedings.

Summary procedure.

19. Any summary proceeding under this Act may be taken, and any penalty under this Act may be recovered,—

In England, before two justices of the peace in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An "Act to facilitate the performance of the duties of justices of the "peace out of sessions within England and Wales with respect "to summary convictions and orders," and any Act amending the same.

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In Scotland, in manner directed by The Summary Procedure Act, 1864.

In Ireland, in manner directed by The Petty Sessions (Ireland) Act, 1851, and any Act amending the same; and in Dublin by the Acts regulating the powers of justices of the peace, or of the police of Dublin metropolis.

In any British possession, in the courts, and before such justices or magistrates, and in the manner in which the like proceedings and penalties may be taken and recovered by the laws of such possession, or in such other courts, or before such other justices or magistrates, or in such other manner as any Act or Ordinance having the force of law in such possession may from time to time provide, or as near thereto as circumstances admit.

Miscellaneous.

Extent of Act

20. This Act shall extend to the United Kingdom, the Channel Islands, and the Isle of Man, but save as expressly provided by this Act or by any proclamation made thereunder, shall not extend to any other part of Her Majesty's dominions.

Repeal.

21. The Acts set out in the third schedule to this Act are hereby repealed to the extent in the third column of such schedule mentioned.

Provided that,—

(1.) This repeal shall not affect anything already done or suffered, or any right already acquired or accrued:

(2.) All weights for weighing coin which have before *the passing of this Act* been marked at the Mint or by any proper officer shall be deemed to have been marked under this Act:

(3.) Every branch of the Mint which at *the passing of this Act* issues coins in any British possession shall, until any proclamation is made in pursuance of this Act with respect to such branch Mint, continue in all respects to have the same power of issuing coins and be in the same position as if this Act had not passed, and coins so issued shall be deemed for the purpose of this Act to have been issued from the Mint:

(4.) The said Acts are not repealed so far as they apply to any British possession to which this Act does not extend until a proclamation directing that this Act shall be in force in such British possession comes into operation.

SCHEDULES.

FIRST SCHEDULE.

Denomination of Coin.	Standard Weight.		Least Current Weight.		Fineness.	Remedy Allowance.		
						Weight per piece.		Millesimal Fineness.
	Imperial Weight. Grains.	Metric Weight. Grams.	Imperial Weight. Grains.	Metric Weight Grams.		Imperial Grains.	Metric Grams.	
GOLD:								
Five Pound -	616·372	39·940	612·500	39·690	Eleven-twelfths fine gold, one-twelfth alloy; or millesimal fineness 916·66	1·000	0·06479	0·002
Two Pound -	246·549	15·976	245·000	15·876		0·400	0·02592	
Sovereign - -	123·274	7·988	122·500	7·938		0·200	0·01296	
Half Sovereign -	61·637	3·994	61·125	3·961		0·100	0·00648	
SILVER:								
Crown - -	436·364	28·276	—	—	Thirty-seven-fortieths fine silver, three-fortieths alloy; or millesimal fineness 925·	1·818	0·11780	0·004
Half Crown -	218·182	14·138	—	—		0·909	0·05890	
Florin - -	174·545	11·310	—	—		0·727	0·04712	
Shilling - -	87·273	5·655	—	—		0·364	0·02356	
Sixpence - -	43·636	2·827	—	—		0·182	0·01178	
Groat or Fourpence	29·091	1·885	—	—		0·121	0·00785	
Threepence -	21·818	1·413	—	—		0·091	0·00589	
Twopence - -	14·545	0·942	—	—		0·060	0·00392	
Penny - -	7·273	0·471	—	—		0·030	0·00196	
BRONZE:								
Penny - -	145·833	9·450	—	—	Mixed metal, copper, tin, and zinc.	2·916	0·18899	None.
Halfpenny - -	87·500	5·670	—	—		1·750	0·11339	
Farthing - -	43·750	2·835	—	—		0·875	0·05669	

SECOND SCHEDULE.

OATH OF JURY ON TRIAL OF PYX.

You shall well and truly try whether the coins produced to you are just coins, and have been coined in accordance with the provisions of the law for the time being in force relating to the coinage. So help you God.

Note.—Any person authorized by law in any case to make an affirmation or declaration in lieu of an oath may make an affirmation or declaration to the same effect as the above oath.

A.D. 1870.

THIRD SCHEDULE.

Year and Chapter.	Title.	Extent of Repeal.
2 Hen. 6. c. 17.* -	For regulating and ascertaining the fineness of silver work.	So much as relates to the master of the Mint.
18 & 19 Cha. 2. c. 5.†	An Act for encouraging of coinage -	The whole Act.
6 Anne, c. 47.‡ - -	An Act for ascertaining the rates of foreign coins in Her Majesty's plantations in America.	The whole Act.
13 Geo. 3. c. 57 - -	An Act to explain and amend an Act made in the fourth year of His present Majesty, intituled "An Act to "prevent paper bills of credit hereafter to be issued in any of His "Majesty's colonies or plantations in "America from being declared to be "a legal tender in payments of money, "and to prevent the legal tender of "such bills as are now subsisting "from being prolonged beyond the "periods limited for calling in and "subscribing the same."	The whole Act.
14 Geo. 3. c. 70. -	An Act for applying a certain sum of money for calling in and recoining the deficient gold coin of this realm; and for regulating the manner of receiving the same at the Bank of England, and of taking there an account of the deficiency of the said coin and making satisfaction for the same; and for authorizing all persons to cut and deface all gold coin that shall not be allowed to be current by His Majesty's proclamation.	The whole Act.
14 Geo. 3. c. 92. -	An Act for regulating and ascertaining the weights to be made use of in weighing the gold and silver coin of this kingdom.	The whole Act.
15 Geo. 3. c. 30. -	An Act for allowing the officer appointed to mark or stamp the weights to be made use of in weighing the gold and silver coin of this kingdom, in pursuance of an Act made in the last session of Parliament, to take certain fees in the execution of his office.	The whole Act.
39 Geo. 3. c. 94. -	An Act to ascertain the salary of the master and worker of His Majesty's Mint.	The whole Act.

* c. 14. in Ruffhead. † 18 Cha. 2. in Ruffhead.
‡ c. 30. in Ruffhead.

Year and Chapter.	Title.	Extent of Repeal.
56 Geo. 3. c. 68. -	An Act to provide for a new silver coinage, and to regulate the currency of the gold and silver coin of this realm.	The whole Act.
52 Geo. 3. c. 157. -	An Act to prevent the issuing and circulating of pieces of gold and silver or other metal, usually called tokens, except such as are issued by the Banks of England and Ireland respectively.	The whole Act.
57 Geo. 3. c. 67. -	An Act to regulate certain offices, and abolish others in His Majesty's Mints in England and Scotland respectively.	The whole Act.
6 Geo. 4. c. 79. -	An Act to provide for the assimilation of the currency and monies of account throughout the United Kingdom of Great Britain and Ireland.	The whole Act.
1 & 2 Will. 4. c. 10. -	An Act to reduce the salary of the master and worker of His Majesty's Mint.	The whole Act.
7 Will. 4. & 1 Vict. c. 9.	An Act to amend several Acts relating to the Royal Mint.	The whole Act.
12 & 13 Vict. c. 41. -	An Act to extend an Act of the fifty-sixth year of King George the Third, for providing for a new silver coinage, and for regulating the currency of the gold and silver coin of this realm.	The whole Act.
22 & 23 Vict. c. 30. -	An Act to extend the enactments relating to the copper coin to coin of mixed metal.	The whole Act.
26 & 27 Vict. c. 74. -	An Act to enable Her Majesty to declare gold coins to be issued from Her Majesty's Branch Mint at Sydney, New South Wales, a legal tender for payments; and for other purposes relating thereto.	The whole Act.
29 & 30 Vict. c. 65. -	An Act to enable Her Majesty to declare gold coins to be issued from Her Majesty's Colonial Branch Mints a legal tender for payments; and for other purposes relating thereto.	The whole Act.
29 & 30 Vict. c. 82. -	An Act to amend the Acts relating to the standard weights and measures, and to the standard trial pieces of the coin of the realm.	Section thirteen.

Coinage.

A

BILL

To consolidate and amend the law relating to the Coinage and Her Majesty's Mint.

(*Prepared and brought in by Mr. Chancellor of the Exchequer and Mr. Stansfeld.*)

Ordered, by The House of Commons, *to be Printed,* 10 *February* 1870.

[Bill 13.]

Under 2 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Consolidate and amend the law relating to the Coinage and Her Majesty's Mint. A.D. 1870.

WHEREAS it is expedient to consolidate and amend the law relating to the Coinage and Her Majesty's Mint:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Coinage Act, 1870." Short title.

2. In this Act— Definitions.

The term "Treasury" means the Lord High Treasurer for the time being, or the Commissioners of Her Majesty's Treasury for the time being, or any two of them;

The term "the Mint" means, except as expressly provided, Her Majesty's Royal Mint in England;

The term "British possession" means any colony, plantation, island, territory, or settlement within Her Majesty's dominions and not within the United Kingdom; and

The term "person" includes a body corporate.

3. After the passing of this Act, all coins made at the Mint of the denominations mentioned in the first schedule to this Act shall be of the weight and fineness specified in that schedule, and the standard trial plates shall be made accordingly. Standard of coins. 56 G. 3. c. 68. ss. 4, 11.

If any coin of gold, silver, or bronze, but of any other denomination than that of the coins mentioned in the first schedule to this Act, is hereafter coined at the Mint, such coin shall be of a weight and fineness bearing the same proportion to the weight and fineness specified in that schedule as the denomination of such coin bears to the denominations mentioned in that schedule.

Provided that in the making of coins a remedy (or variation from the standard weight and fineness specified in the said first schedule) shall be allowed of an amount not exceeding the amount specified in that schedule.

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Legal tender. 56 G. 3. c. 68. ss. 11, 12.

4. A tender of payment of money shall be a legal tender if made in coins which have been issued by the Mint in accordance with the provisions of this Act, and have not been called in by any proclamation made in pursuance of this Act, and have not become diminished in weight, by wear or otherwise, so as to be of less weight than the current weight, that is to say, than the weight (if any) specified as the least current weight in the first schedule to this Act, or less than such weight as may be declared by any proclamation made in pursuance of this Act.

A tender made in such coins shall in the case of gold coins be a legal tender for a payment of any amount, but shall not be a legal tender, in the case of silver coins, if the amount of the payment exceeds forty shillings; in the case of pence, if the amount exceeds one shilling; in the case of halfpence or farthings, if the amount exceeds sixpence.

Nothing in this Act shall prevent any paper currency which under any Act or otherwise is a legal tender from being a legal tender.

Prohibition of other coins and tokens. 52 G. 3. c. 157. s. 1. 57 G. 3. c. 46.

5. No piece of gold, silver, copper, or bronze, or of any metal or mixed metal, of any value whatever, shall be made or issued, except by the Mint, as a coin or a token for money, or as purporting that the holder thereof is entitled to demand any value denoted thereon. Every person who acts in contravention of this section shall be liable on summary conviction to a penalty not exceeding twenty pounds.

Contracts, &c. to be made in currency. 6 G. 4. c. 79. s. 1.

6. Every contract, sale, payment, bill, note, instrument, and security for money, and every transaction, dealing, matter, and thing whatever relating to money, or involving the payment of or the liability to pay any money, which is made, executed, or entered into, done or had, shall be made, executed, entered into, done and had according to the coins which are current and legal tender in pursuance of this Act, and not otherwise, unless the same be made, executed, entered into, done or had according to the currency of some British possession or some foreign state.

Defacing light gold coin. 14 G. 3. c. 70. s. 7. See also 56 G. 3. c. 68. s. 7.

7. Where any gold coin of the realm is below the current weight as provided by this Act, or where any coin is called in by any proclamation, every person shall, by himself or others, cut, break, or deface any such coin tendered to him in payment, and the person tendering the same shall bear the loss.

If any coin cut, broken, or defaced in pursuance of this section is not below the current weight, or has not been called in by

any proclamation, the person cutting, breaking, or defacing the same shall receive the same in payment according to its denomination.

Every person who knowingly acts in contravention of this section shall be liable to a penalty not exceeding five pounds.

Any dispute which may arise under this section may be determined by a summary proceeding.

Coining of bullion taken to Mint. 18 C. 2. c. 5. 56 G. 3. c. 68.

8. Where any person brings to the Mint any gold bullion, such bullion shall be assayed and coined, and delivered out to such person, without any charge for such assay or coining, or for waste in coinage:

Provided that—

(1.) If the fineness of the whole of the bullion so brought to the Mint is such that it cannot be brought to the standard fineness under this Act of the coin to be coined thereout, without refining some portion of it, the master of the Mint may refuse to receive, assay, or coin such bullion:

(2.) Where the bullion so brought to the Mint is finer than the standard fineness under this Act of the coin to be coined thereout, there shall be delivered to the person bringing the same such additional amount of coin as is proportionate to such superior fineness.

No undue preference shall be shown to any person under this section, and every person shall have priority according to the time at which he brought such bullion to the Mint.

Purchase of bullion. 7 & 8 W. 4. c. 9. s. 4.

9. The Treasury may from time to time issue to the master of the Mint, out of the growing produce of the Consolidated Fund, such sums as may be necessary to enable him to purchase bullion in order to provide supplies of coin for the public service.

Payment of profits, &c. to Exchequer. 7 & 8 W. 4. c. 9. ss. 3, 4.

10. All sums received by the master of the Mint, or any deputy master or officer of the Mint, in payment for coin produced from bullion purchased by him, and all fees and payments received by the master or any deputy master or officer of the Mint as such, shall (save as otherwise provided in the case of any branch mint in a British possession by a proclamation respecting such branch mint) be paid into the receipt of the Exchequer, and carried to the Consolidated Fund.

Regulations by proclamation.

11. It shall be lawful for Her Majesty, with the advice of Her Privy Council, from time to time by proclamation to do all or any of the following things; namely,

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(1.) To determine the dimension of and design for any coin:

(2.) To determine the denominations of coins to be coined at the Mint:

(3.) To diminish the amount of remedy allowed by the first schedule to this Act in the case of any coin:

(4.) To determine the weight (not being less than the weight (if any) specified in the first schedule to this Act) below which a coin, whether diminished in weight by wear or otherwise, is not to be a current or a legal tender:

(5.) To call in coins of any date or denomination, or any coins coined before the date in the proclamation mentioned:

(6.) To direct that any coins, other than gold, silver, or bronze, shall be current and be a legal tender for the payment of any amount not exceeding the amount specified in the proclamation, and not exceeding five shillings:

(7.) To direct that coins coined in any foreign country shall be current, and be a legal tender, at such rates, up to such amounts, and in such portion of Her Majesty's dominions as may be specified in the proclamation:

26 & 27 Vict. c. 74. 29 & 30 Vict. c. 64.

(8.) To direct the establishment of any branch of the Mint in any British possession, and impose a charge for the coinage of gold thereat; determine the application of such charge; and determine the extent to which such branch is to be deemed part of the Mint, and to which coins issued therefrom are to be current and be a legal tender, and to be deemed to be issued from the Mint:

(9.) To direct that the whole or any part of this Act shall apply to and be in force in any British possession, with or without any modifications contained in the proclamation:

(10.) To regulate any matters relative to the coinage and the Mint which are not provided for by this Act:

(11.) To revoke or alter any proclamation previously made.

Every such proclamation shall come into operation on the date therein in that behalf mentioned, and shall have effect as if it were enacted in this Act.

Trial of the pyx.

12. For the purpose of ascertaining that coins issued from the Mint have been coined in accordance with this Act, a trial of the pyx shall be held at least once in every year in which coins have been issued from the Mint.

It shall be lawful for Her Majesty, with the advice of Her Privy Council, from time to time, by order, to make regulations respecting the trial of the pyx and all matters incidental thereto, and in particular respecting the following matters; viz.,

(1.) The time and place of the trial:

(2.) The setting apart out of the coins issued by the Mint certain coins for the trial:

(3.) The summoning of a jury out of competent freemen of the mystery of goldsmiths of the city of London or other competent persons:

(4.) The attendance at the trial of the jury so summoned, and of the proper officers of the Treasury, the Board of Trade, and the Mint, and the production of the coins so set apart, and of the standard trial plates and standard weights:

(5.) The proceedings at and conduct of the trial, including the nomination of some person to preside thereat, and the swearing of the jury, and the mode of examining the coins:

(6.) The recording and the publication of the verdict, and the custody of the record thereof, and the proceedings (if any) to be taken in consequence of such verdict.

Every such order shall come into operation on the date therein in that behalf mentioned, and shall have effect as if it were enacted in this Act, but may be revoked or altered by any subsequent order under this section.

Regulations by Treasury.

13. The Treasury may from time to time do all or any of the following things:

(1.) Fix the number and duties of the officers of and persons employed in the Mint:

(2.) Make regulations and give directions (subject to the provisions of this Act and any proclamation made thereunder) respecting the general management of the Mint, and revoke and alter such regulations and directions.

Master and Officers of Mint.

Master of Mint.

14. The Chancellor of the Exchequer for the time being shall be the master, worker, and warden of Her Majesty's Royal Mint in England, and governor of the Mint in Scotland.

Provided that nothing in this section shall render the Chancellor of the Exchequer incapable of being elected to or of sitting or voting in the House of Commons, or vacate the seat of the person who at the passing of this Act holds the office of Chancellor of the Exchequer.

All duties, powers, and authorities imposed on or vested in or to be transacted before the master of the Mint may be performed and exercised by or transacted before him or his sufficient deputy.

Deputy masters and officers.

15. The Treasury may from time to time appoint deputy masters and other officers and persons for the purpose of carrying on the

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business of the Mint in the United Kingdom or elsewhere, and assign them their duties, and award them their salaries.

The master of the Mint may from time to time promote, suspend, and remove any such deputy masters, officers, and persons.

Standard Trial Plates and Weights.

Custody, &c. of standard trial plates. See 29 & 30 Vict. c. 82. s. 13.

16. The standard trial plates of gold and silver used for determining the justness of the gold and silver coins of the realm issued from the Mint, which now exist or may hereafter be made, and all books, documents, and things used in connexion therewith or in relation thereto, shall be in the custody of the Board of Trade, and shall be kept in such places and in such manner as the Board of Trade may from time to time direct; and the performance of all duties in relation to such trial plates shall be part of the business of the Standard weights and measures Department of the Board of Trade.

The Board of Trade shall from time to time, when necessary, cause new standard trial plates to be made and duly verified, of such standard fineness as may be in conformity with the provisions of this Act.

Standard weights for coin. 14 G. 3. c. 92. 29 & 30 Vict. c. 82.

17. The standard weights for weighing and testing the coin of the realm shall be placed in the custody of the Board of Trade, and be kept in such places and in such manner as the Board of Trade may from time to time direct; and the performance of all duties in relation to such standard weights shall be part of the business of the Standard weights and measures Department of the Board of Trade.

The Board of Trade shall from time to time cause weights of each coin of the realm for the time being, and of multiples of such of those weights as may be required, to be made and duly verified; and those weights, when approved by Her Majesty in Council, shall be the standard weights for determining the justness of the weight of and for weighing such coin.

The master of the Mint shall from time to time cause copies to be made of such standard weights, and once at least in every year the Board of Trade and the master of the Mint shall cause such copies to be compared and duly verified with the standard weights in the custody of the Board of Trade.

All weights which are not less in weight than the weight prescribed by the first schedule to this Act for the lightest coin, and are used for weighing coin, shall be compared with the said standard weights,

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and if found to be just shall, on payment of such fee, not exceeding five shillings, as the Board of Trade from time to time prescribe, be marked by some officer of the Standard weights and measures Department of the Board of Trade with a mark approved of by the Board of Trade, and notified in the London Gazette; and a weight which is required by this section to be so compared, and is not so marked, shall not be deemed a just weight for determining the weight of gold and silver coin of the realm.

If any person forges or counterfeits such mark, or any weight so marked, or wilfully increases or diminishes any weight so marked, or knowingly utters, sells, or uses any weight with such counterfeit mark, or any weight so increased or diminished, or knowingly uses any weight declared by this section not to be a just weight, such person shall be liable to a penalty not exceeding fifty pounds.

All fees paid under this section shall be paid into the Exchequer, and carried to the Consolidated Fund.

Legal Proceedings.

Summary procedure.

18. Any summary proceeding under this Act may be taken, and any penalty under this Act may be recovered,—

In England, before two justices of the peace in manner directed by the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An "Act to facilitate the performance of the duties of justices of the "peace out of sessions within England and Wales with respect "to summary convictions and orders," and any Act amending the same.

In Scotland, in manner directed by The Summary Procedure Act, 1864.

In Ireland, so far as respects Dublin, in manner directed by the Acts regulating the powers of justices of the peace or the police of Dublin metropolis, and elsewhere in manner directed by The Petty Sessions (Ireland) Act, 1851, and any Act amending the same.

In any British possession, in the courts, and before such justices or magistrates, and in the manner in which the like proceedings and penalties may be taken and recovered by the law of such possession, or as near thereto as circumstances admit, or in such other courts, or before such other justices or magistrates, or in such other manner as any Act or Ordinance having the force of law in such possession may from time to time provide.

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Miscellaneous.

Extent of Act.

19. This Act, save as expressly provided by this Act, or by any proclamation made thereunder, shall not extend to any British possession.

Repeal.

20. The Acts mentioned in the first part of the second schedule to this Act are hereby repealed to the extent in the third column of such schedule mentioned, and those mentioned in the second part of the same schedule are hereby repealed entirely.

Provided that,—

(1.) This repeal shall not affect anything already done or suffered, or any right already acquired or accrued:

(2.) All weights for weighing coin which have before the passing of this Act been marked at the Mint or by any proper officer shall be deemed to have been marked under this Act:

(3.) Every branch of the Mint which at the passing of this Act issues coins in any British possession shall, until the date fixed by any proclamation made in pursuance of this Act with respect to such branch Mint, continue in all respects to have the same power of issuing coins and be in the same position as if this Act had not passed, and coins so issued shall be deemed for the purpose of this Act to have been issued from the Mint:

(4.) The said Acts (unless relating to a branch Mint and unless in the said schedule expressly otherwise mentioned) are not repealed so far as they apply to any British possession to which this Act does not extend until a proclamation directing that this Act or any part thereof, with or without any modification contained in the proclamation, shall be in force in such British possession comes into operation.

SCHEDULES.

FIRST SCHEDULE.

Denomination of Coin.	Standard Weight.		Least Current Weight.		Standard Fineness.	Remedy Allowance.		
						Weight per piece.		Millesimal Fineness.
	Imperial Weight. Grains.	Metric Weight. Grams.	Imperial Weight. Grains.	Metric Weight. Grams.		Imperial Grains.	Metric Grams.	
GOLD:								
Five Pound -	616·37239	39·94028	612·50000	39·68935	Eleven-twelfths fine gold, one-twelfth alloy; or millesimal fineness 916·66	1·00000	0·06479	0·002
Two Pound -	246·54895	15·97611	245·00000	15·87574		0·40000	0·02592	
Sovereign - -	123·27447	7·98805	122·50000	7·93787		0·20000	0·01296	
Half Sovereign -	61·63723	3·99402	61·12500	3·96083		0·10000	0·00648	
SILVER:								
Crown - -	436·36363	28·27590	—	—	Thirty-seven-fortieths fine silver, three-fortieths alloy; or millesimal fineness 925·	1·81818	0·11781	0·004
Half Crown -	218·18181	14·13795	—	—		0·90909	0·05890	
Florin - -	174·54545	11·31036	—	—		0·72727	0·04712	
Shilling - -	87·27272	5·65518	—	—		0·36363	0·02356	
Sixpence - -	43·63636	2·82759	—	—		0·18181	0·01178	
Groat or Fourpence	29·09090	1·88506	—	—		0·12121	0·00785	
Threepence -	21·81818	1·41379	—	—		0·09090	0·00589	
Twopence - -	14·54545	0·94253	—	—		0·06060	0·00392	
Penny - -	7·27272	0·47126	—	—		0·03030	0·00196	
BRONZE:								
Penny - -	145·83333	9·44984	—	—	Mixed metal, copper, tin, and zinc.	2·91666	0·18899	None.
Halfpenny - -	87·50000	5·66990	—	—		1·75000	0·11339	
Farthing - -	43·75000	2·83495	—	—		0·87500	0·05669	

SECOND SCHEDULE.

FIRST PART.

Acts partly repealed.

Year and Chapter.	Title.	Extent of Repeal.
2 Hen. 6. c. 17.* -	For regulating and ascertaining the fineness of silver work.	So much as relates to the master of the Mint.
29 & 30 Vict. c. 82. -	An Act to amend the Acts relating to the standard weights and measures, and to the standard trial pieces of the coin o the realm.	Section thirteen.

* c. 14. in Ruffhead.

SECOND PART.

Acts wholly repealed.

Year and Chapter.	Title.
18 & 19 Cha. 2. c. 5.*	An Act for encouraging of coinage.
‡6 Anne, c. 57.† -	An Act for ascertaining the rates of foreign coins in Her Majesty's plantations in America.
‡13 Geo. 3. c. 57. -	An Act to explain and amend an Act made in the fourth year of His present Majesty, intituled "An Act to "prevent paper bills of credit hereafter to be issued "in any of His Majesty's colonies or plantations in "America from being declared to be a legal tender "in payments of money, and to prevent the legal tender "of such bills as are now subsisting from being pro- "longed beyond the periods limited for calling in and "sinking the same."
14 Geo. 3. c. 70. -	An Act for applying a certain sum of money for calling in and recoining the deficient gold coin of this realm; and for regulating the manner of receiving the same at the Bank of England, and of taking there an account of the deficiency of the said coin and making satisfaction for the same; and for authorizing all persons to cut and deface all gold coin that shall not be allowed to be current by His Majesty's proclamation.
14 Geo. 3. c. 92. -	An Act for regulating and ascertaining the weights to be made use of in weighing the gold and silver coin of this kingdom.
15 Geo. 3. c. 30. -	An Act for allowing the officer appointed to mark or stamp the weights to be made use of in weighing the gold and silver coin of this kingdom, in pursuance of an Act made in the last session of Parliament, to take certain fees in the execution of his office.
39 Geo. 3. c. 94. -	An Act to ascertain the salary of the master and worker of His Majesty's Mint.
52 Geo. 3. c. 138. -	An Act for the further prevention of the counterfeiting of silver tokens issued by the Governor and Company of the Bank of England called dollars, and of silver pieces issued and circulated by the said Governor and Company called tokens, and for the further prevention of frauds practised by the imitation of the notes or bills of the said Governor and Company.
52 Geo. 3. c. 157. -	An Act to prevent the issuing and circulating of pieces of gold and silver or other metal, usually called tokens, except such as are issued by the Banks of England and Ireland respectively.

* 18 Cha. 2. in Ruffhead. † c. 30. in Ruffhead.

‡ Repealed as to the whole of Her Majesty's dominions upon the passing of this Act.

Year and Chapter.	Title.
54 Geo. 3. c. 4. -	An Act to continue until six weeks after the commencement of the next session of Parliament an Act passed in the last session of Parliament, intituled "An Act to continue "and amend an Act of the present session, to prevent "the issuing and circulating of pieces of gold and silver "or other metal, usually called tokens, except such as are "issued by the Banks of England and Ireland respectively."
56 Geo. 3. c. 68. -	An Act to provide for a new silver coinage, and to regulate the currency of the gold and silver coin of this realm.
57 Geo. 3. c. 46. -	An Act to prevent the issuing and circulating of pieces of copper or other metal usually called tokens.
57 Geo. 3. c. 67. -	An Act to regulate certain offices, and abolish others, in His Majesty's Mints in England and Scotland respectively.
57 Geo. 3. c. 113. -	An Act to prevent the further circulation of dollars and tokens issued by the Governor and Company of the Bank of England for the convenience of the public.
6 Geo. 4. c. 79. -	An Act to provide for the assimilation of the currency and monies of account throughout the United Kingdom of Great Britain and Ireland.
6 Geo. 4. c. 98. -	An Act to prevent the further circulation of tokens issued by the Governor and Company of the Bank of Ireland for the convenience of the public, and for defraying the expense of exchanging such tokens.
1 & 2 Will. 4. c. 10. -	An Act to reduce the salary of the master and worker of His Majesty's Mint.
7 Will. 4. & 1 Vict. c. 9.	An Act to amend several Acts relating to the Royal Mint.
12 & 13 Vict. c. 41. -	An Act to extend an Act of the fifty-sixth year of King George the Third, for providing for a new silver coinage, and for regulating the currency of the gold and silver coin of this realm.
22 & 23 Vict. c. 30. -	An Act to extend the enactments relating to the copper coin to coin of mixed metal.
26 & 27 Vict. c. 74. -	An Act to enable Her Majesty to declare gold coins to be issued from Her Majesty's Branch Mint at Sydney, New South Wales, a legal tender for payments; and for other purposes relating thereto.
29 & 30 Vict. c. 65. -	An Act to enable Her Majesty to declare gold coins to be issued from Her Majesty's Colonial Branch Mints a legal tender for payments; and for other purposes relating thereto.

Coinage.

A

BILL

[AS AMENDED IN COMMITTEE]

To consolidate and amend the law relating to the Coinage and Her Majesty's Mint.

(*Prepared and brought in by Mr. Chancellor of the Exchequer and Mr. Stansfeld.*)

Ordered, by The House of Commons, *to be Printed* 28 *February* 1870.

[Bill 51.]

Under 2 *oz.*

A

B I L L

TO

Make better provision for the Police Force in the City of Londonderry, and to amend the Acts relating to the Royal Irish Constabulary Force. A.D. 1870.

WHEREAS the Lord Lieutenant of Ireland did, on the eleventh day of August one thousand eight hundred and sixty-nine, issue his warrant to certain commissioners, directing them to hold a court of inquiry at Londonderry, and to report upon the existing local arrangements for the preservation of the peace of that borough, the magisterial jurisdiction exercised within it, and the amount and constitution and efficiency of the police force usually available there, and other matters relating thereto: And whereas the said commissioners, having duly inquired into the said several matters as directed by the said warrant, have made their report thereon, dated the thirtieth day of November last, stating that the police arrangements of the borough need complete alteration: And whereas it is expedient that the police force maintained by the town council of the borough of Londonderry should cease to exist, and that with a view to provide for the more effectual preservation of the peace of the said borough a constabulary force should be appointed to be stationed therein: And whereas it is expedient to amend the Acts relating to the Royal Irish constabulary:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Present police force in Londonderry shall cease to exist.

1. From and after the *commencement of this Act*, it shall not be lawful for the town council of the borough of Londonderry to appoint or maintain any police force; and all persons who have been appointed superintendent, serjeants, or constables of the said force shall cease to hold their offices, and shall severally discontinue acting in such offices accordingly; and the Royal Irish constabulary force appointed to do duty in the city of Londonderry shall have and

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discharge all powers and duties now lawfully had and discharged by the police force of the borough.

Borough of Londonderry constituted a distinct district.

2. The municipal borough of Londonderry shall for the purposes of this Act be constituted a distinct district, herein-after called the city of Londonderry; and all and every the provisions of the several Acts relating to the Royal Irish constabulary shall apply to the city of Londonderry.

Lord Lieutenant to add any number of men, not exceeding forty-five, to the constabulary force of Londonderry.

3. It shall be lawful for the Lord Lieutenant to appoint as the constabulary force in the city of Londonderry a number of constables and sub-constables not exceeding *thirty*, and to add to the said constabulary force under the provisions of this Act any number of men, not exceeding *forty-five*, which the Lord Lieutenant may think fit to provide for the more effectual preservation of the peace of the said city, and such additional number of men, together with the thirty herein-before mentioned, shall constitute the ordinary constabulary force of the said city.

As to expenses of additional force.

4. *The expense of the said additional force, save as to the additional pay herein-after mentioned, shall, in the first instance, be advanced and defrayed in like manner as the expense of the force appointed under the Acts relating to the Royal Irish constabulary is to be advanced and defrayed;* one moiety of the moneys so advanced shall be repaid by the town council of the borough of Londonderry by means of rates, to be applotted and levied in the same manner as the moneys hitherto raised and applied or which may be applicable in the said borough of Londonderry to the maintenance of a police force.

Inspector General shall transmit to town council of Londonderry half-yearly accounts.

5. The Inspector General of constabulary shall, with the assistance of the receiver, twice in each year, ascertain the amount of the moneys chargeable under the provisions of this Act to the said city of Londonderry, and shall make out a certificate thereof under his hand, specifying the force or service in respect whereof such charge may have been incurred, and transmit the same, when signed by the receiver and approved and certified by the chief or under secretary to the Lord Lieutenant, to the town clerk of the borough of Londonderry, who shall lay the same forthwith before the town council, and thereupon the town council shall forthwith make and levy a rate sufficient for the payment thereof, and shall thereout, or out of any moneys in their hands, pay the amount mentioned in such certificate to the Paymaster General's department in Ireland.

Inspector General to appoint con-

6. The Inspector General of constabulary shall fix the number of men who shall discharge the duties of a night watch, and for

each of such men there shall be charged the sum of *sixpence* per diem, to be wholly defrayed by the town council of the borough of Londonderry, and such sum shall be included by the Inspector General of constabulary in the certificate to be furnished by him under this Act, and shall be raised and paid in manner therein directed; and it shall be lawful for the said Inspector General, with the approval of the Lord Lieutenant, to apply such sum to remunerate the constabulary force stationed in Londonderry, for discharging the duties of a night watch.

Stables for night watch, who shall receive extra remuneration for night duty.

7. Notwithstanding any regulations requiring persons entering the constabulary force to be unmarried, or to be under a certain age, the Inspector General of the Royal Irish constabulary force may, if he shall so think fit, admit into the said force any constable of the police force at the time of the passing of this Act maintained by the town council of the borough of Londonderry, whose age shall not exceed *forty years*, and who within one calendar month after the commencement of this Act shall apply to be admitted, and who in other respects shall be eligible according to the said regulations.

Restrictions as to age.

8. It shall be lawful for the town council of the said borough of Londonderry (if they shall so think fit) to grant to the superintendent, or to any serjeant or constable belonging to the police force at the time of the passing of this Act maintained by the said town council, whose office shall cease or become unnecessary by means of the provisions of this Act such an adequate compensation, by way of yearly allowance or other gratuity, as shall to them seem just: Provided always, that any such compensation shall be wholly charged on and defrayed by the local funds which the said town council may have authority to levy.

Superannuation, &c. of constabulary.

9. The several provisions of the local Acts in force within the borough of Londonderry relating to the applotment, levy, collection, recovery, and receipts of rates applicable wholly or in part to the support of the police force and establishment in the police district of the city of Londonderry shall continue in force notwithstanding the passing of this Act.

Provisions as to rates applicable to support of police establishment to continue in force.

10. It shall be lawful for the Lord Lieutenant, with the advice of Her Majesty's Privy Council in Ireland, within *six months* after the *commencement of this Act*, to alter or vary the number of constables and sub-constables for each county, city, or town specified in the schedule to the Constabulary (Ireland) Amendment Act, 1865, to such number as the Lord Lieutenant, with such advice as aforesaid, may consider to be required for each such county, city,

Power to Lord Lieutenant to vary number of constables, &c. for each county, &c.

A.D. 1870.

or town, but so that the total number of constables and sub-constables to be distributed and allotted to all the counties, cities, and towns in the said schedule specified, together with the thirty men by this Act authorised to be appointed for the city of Londonderry, shall not exceed the total number of constables and sub-constables fixed by the schedule of the said Act.

Amendment of 28 & 29 Vict. c. 70.

11. So much of the schedule annexed to the Constabulary (Ireland) Amendment Act, 1865, as fixes the number of sub-inspectors at two hundred and sixty-two and of head constables at three hundred and seventy-five, shall be and the same is hereby repealed, and the numbers of those ranks respectively shall from the commencement of this Act be *two hundred and forty-four* sub-inspectors and *three hundred and fifty* head constables for the whole of Ireland, exclusive of the reserve force, and the said inspectors and head constables of the said force may be from time to time distributed amongst the counties, cities, and towns in Ireland respectively as to the Lord Lieutenant shall seem fit.

Power to Lord Lieutenant to revise salaries for constabulary force.

12. Notwithstanding anything in section two of the Act passed in the twenty-ninth and thirtieth years of the reign of Her present Majesty, chapter one hundred and three, intituled "An Act to "amend an Act to consolidate the law relating to the constabulary "force in Ireland," it shall be lawful for the Lord Lieutenant to fix and appoint such revised annual salaries as to him may from time to time seem proper, not exceeding the several sums herein-after specified, to be paid in such manner and subject to such regulations and provisions as he may direct, to the several persons herein-after mentioned; (that is to say,)

1. To each head constable major, an annual salary not exceeding *ninety pounds:*
2. To each head constable of the first class, an annual salary not exceeding *seventy-six pounds fourteen shillings:*
3. To each head constable of the second class, an annual salary not exceeding *sixty-five pounds:*
4. To any number of constables, not exceeding *sixty*, of long service or superior merit, but ineligible for further promotion, an addition of *four pounds* per annum, making their total salaries respectively *fifty-three pounds eight shillings* per annum.

Power to appoint veterinary surgeon.

13. It shall be lawful for the Lord Lieutenant to appoint a veterinary surgeon to the Royal Irish constabulary, and such

veterinary surgeon shall receive an annual salary of *two hundred pounds* per annum.

This Act and Acts relating to constabulary force to be construed as one.

14. This Act and the several Acts now in force relating to the Royal Irish constabulary shall be construed as one Act, so far as is consistent with the tenor hereof, and nothing herein contained shall be construed to deprive the Lord Lieutenant of any power now vested in him in relation to the said constabulary force.

Interpretation of terms.

15. The expression "Lord Lieutenant" in this Act shall mean the Lord Lieutenant or other chief governor or governors of Ireland.

Commencement of Act.

16. This Act shall commence from and after a day to be fixed by the Lord Lieutenant, and notified in the "Dublin Gazette," such day not being sooner than *twenty-one* days after such notification.

Short title.

17. This Act may be cited for all purposes as the "Constabulary (Ireland) Amendment Act, 1870."

Constabulary Force (Ireland).

A

B I L L

To make better provision for the Police Force in the City of Londonderry, and to amend the Acts relating to the Royal Irish Constabulary Force.

(*Prepared and brought in by Mr. Chichester Fortescue and Mr. Solicitor General for Ireland.*)

Ordered, by The House of Commons, *to be Printed*, 27 *July* 1870.

[Bill 241.]

Under 1 *oz.*

A

B I L L

TO

Amend the law relating to the election and office of Coroners. A.D. 1870.

WHEREAS it is expedient to amend the law with respect to the appointment of coroners for counties: 7 & 8 Vict. c. 92.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this Parliament assembled, and by the authority of the same, as follows:

Coroners for counties to be elected by resident freeholders on parliamentary register.

1. From and after the passing of this Act, as often as any vacancy shall happen in the office of coroner for any county, riding, division, or district in England or Wales, the election to which is now by law in the freeholders of such county, riding, division, or district, such election shall in future be by such persons only of the county, riding, division, or district as are on the parliamentary register of such county, riding, division, or district, and reside within the county, riding, division, or district for which such election of coroner is to take place; and such election shall be good and effectual to all intents and purposes, any law, usage, or custom to the contrary thereof in anywise notwithstanding; and such person so elected shall be the coroner for such county, riding, division, or district, as the case may be, and shall exercise the said office therein, and shall have all the powers and be subject to the liabilities in all respects as other county coroners.

Place of taking poll.

2. For more conveniently taking the poll at all elections of coroner under the authority of this Act, the poll for the election of coroner in each district shall be taken at the place appointed for holding the court for such election, and at such other places within the same district as may for the time being be appointed for taking the poll at county elections for members of Parliament.

All Acts relating to bribery, treating, and undue influence in the elections of members of Parliament shall apply and extend to the election of any coroner under the provisions of this Act.

A.D. 1870.

Coroner may apply to Home Secretary to revise schedule of fees, &c.

3. And whereas provision is made by the first Victoria, chapter sixty-eight, for the justices of the peace to make a schedule of the several fees, allowances, and disbursements to be paid by the coroner holding any inquest (except fees to medical witnesses), and the schedules in various counties are so dissimilar and in some cases so insufficient that impediments arise in the administration of justice:

It shall be lawful for any coroner, if he is dissatisfied with such schedule, to apply to Her Majesty's Principal Secretary of State for the Home Department, who is hereby authorized and required to revise and alter the same in such manner as he shall deem right.

22 Vict. c. 26.
27 & 28 Vict. c. 42.
28 & 29 Vict. c. 126.
29 Vict. c. 31.
29 & 30 Vict. c. 68.
29 & 30 Vict. c. 113.

4. And whereas by statute twenty-second Victoria, chapter twenty-six, provisions are made for granting superannuation allowances to persons who shall have served in any established capacity in the permanent civil service of the State, and by several subsequent statutes provisions are made for superannuation allowances to officers of unions and parishes, to officers of prisons, to officers of vestries and other boards, and to persons holding certain offices connected with the administration of justice in England:

23 & 24 Vict. c. 116.
5 & 6 W. 4. c. 76. s. 62.

And whereas the office of coroner is a very ancient and important public office connected with the administration of justice, and coroners of counties are paid by salary, and coroners of municipal boroughs by fees, during the time they respectively hold the office, but there is no provision made for granting them a superannuation allowance in case of age or infirmity:

Be it enacted as follows:

Superannuation allowance to coroners.

In case any coroner now in office or hereafter to be elected shall from age or infirmity become incapable of executing the duties of his office, the justices of the peace of any county, city, riding, liberty, division, or district, in general or quarter sessions assembled, and the town council of any municipal borough, (as the case may be,) upon the request of any coroner, may, if they think fit, grant to such coroner an annuity, by way of superannuation allowance, for such an amount and under such regulations as are prescribed with reference to persons having held civil offices in the public service by the said Act of the twenty-second Victoria, chapter twenty-six, and charge such allowance to the same fund to which the salary or fees of such coroner would have been charged if he had continued in office: Provided always, that in case any such justices or town council and any such coroner shall be unable to agree as to the reasonableness of such request, or shall be unable to agree as to the amount of such allowance, it shall be lawful for Her Majesty's Principal Secretary of State for the Home

23 & 24 Vict. c. 116. s. 4.

Department, and he is required, on the application of such coroner, to decide upon the reasonableness of such request, and to fix and determine the amount of such allowance to be charged as aforesaid, having regard to the provisions of the said statute, and also to the special circumstances of each case. A.D. 1870.

Coroners to make annual returns of inquests to Secretary of State.

5. The coroner of every county, city, riding, liberty, division, or district shall in the month of October in every year transmit to one of Her Majesty's Principal Secretaries of State a statement, in such form as one of the said Secretaries of State may from time to time direct, for the year ending the twenty-ninth day of September then last, of the number of inquests held by him or his deputy within such county, city, riding, liberty, division, or district, the finding of the jury in each case, and the result of the proceedings, if any, taken thereupon, and any other particulars which such coroner may think it material to furnish; and a classified abstract of all such reports and returns shall be annually prepared and laid before Parliament.

Increase and revision of salary of coroners repealed.

6. From and after the passing of this Act, so much of the fourth section of the twenty-third and twenty-fourth Victoria, chapter one hundred and sixteen, as provides for a quinquennial revision and increase of the salary of county coroners, shall be and the same is hereby repealed, and a fixed salary shall be adopted in lieu thereof.

County coroners to be paid salary on average of past 5 years. See 23 & 24 Vict. c. 116. s. 4.

7. On and after the first day of January one thousand eight hundred and seventy, such annual salary shall be paid to every county coroner as shall be agreed upon between him and the justices in general or quarter sessions assembled for the county for which or for some portion of which such coroner shall act, such salary, in the case of any person holding the office of county coroner at the time of the passing of this Act, not being less than the average amount of the fees, mileage, and allowances, having regard to the number of inquests held by any such coroner and his predecessor, if any, for the five years immediately preceding the thirty-first day of December one thousand eight hundred and sixty-eight; and such salary shall be paid quarterly on the four usual quarter days to such coroner by the treasurer of the county out of the county rates; and whenever, from death, removal, or any other cause whatever, any county coroner shall not be entitled to a salary for the whole of a quarter a proportionate part of the salary shall be paid to him, or in case of his death, to his personal representatives: Provided always, that in case any such justices and any such county coroner as aforesaid shall be unable to agree as to the

A.D. 1870.

amount of the salary to be paid to such coroner, it shall be lawful for Her Majesty's Principal Secretary of State for the Home Department, and he is required, upon the application of such coroner, to fix and determine the amount of such salary, having regard to such average aforesaid, also the average number of inquests held by any such coroner in the preceding five years as aforesaid, and also to the special circumstances of each case: Provided always, that nothing herein contained shall in any manner take away, alter, or deprive any such coroner of the right to be repaid, out of the county rate, expenses and disbursements which may have been paid or made by him on the holding of any inquest, as provided by the Act first Victoria, chapter sixty-eight.

Removal of county coroner.

8. It shall and may be lawful for the justices in general or quarter sessions assembled for any county, riding, or division for which, or for some portion of which, a coroner shall act, on the application of any freeholder or freeholders entitled to vote at the election of such coroner, to cause inquiry to be made into any alleged inability or misbehaviour of such coroner in his office; and in case after such inquiry the said justices at a subsequent general or quarter sessions assembled shall be of opinion that there are sufficient grounds for petitioning the Lord Chancellor to remove the said coroner, it shall and may be lawful for the said justices, and they are hereby required, to present a petition to the Lord Chancellor, praying him to remove the said coroner; and it shall and may be further lawful for the court, at the last-mentioned general or quarter sessions, or at any subsequent general or quarter sessions, to make an order on the treasurer of the county, riding, or division in which such coroner shall act for payment out of the county rates of all costs, charges, and expenses of and incident to the said inquiry, and of and incident to the said petition and the proceedings consequent thereon.

Interpretation of "county."

9. The word "county" in and throughout this Act shall be deemed and taken to include all counties, ridings, divisions, hundreds, wards, liberties, and other places the coroners whereof are paid out of the county rates.

Saving rights of the Crown, &c.

10. Nothing herein contained shall be construed to abridge or affect the royal prerogative, or any right vested in any person or persons, to appoint, by patent or by election or otherwise, any coroner for any city, borough, liberty, franchise, manor, or place, or the authority of the Lord Chancellor to issue a writ de coronatore eligendo.

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Extent of Act.

11. The said Acts of the seventh and eighth Victoria, chapter ninety-two, twenty-third and twenty-fourth Victoria, chapter one hundred and sixteen, (as varied by this Act,) and this Act, shall extend only to that part of the United Kingdom called England and Wales.

Coroners.

A

BILL

To amend the law relating to the election and office of Coroners.

(*Prepared and brought in by Mr. Goldney, Mr. Walter, Mr. Thomas Chambers, and Mr. Pease.*)

Ordered, by The House of Commons, *to be Printed,* 22 *February* 1870.

[Bill 42.]

Under 1 *oz.*

Corporation of London Bill.

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A

B I L L

FOR

Creating a Metropolitan Corporation of London, and for continuing the municipal government of the City of London; and for other purposes connected therewith. A.D. 1870.

WHEREAS it is expedient that the municipal authority of the corporation of the city of London, on the constitution of that corporation being modified as in this Act provided, be extended throughout the metropolis, and that in and for the metropolis the corporation, as so modified in constitution, do have (among other powers) all powers vested in the Metropolitan Board of Works, and that, in consequence of such modification and extension, the corporation be designated the Metropolitan Corporation of London:

And whereas it is expedient that, with certain other modifications in this Act provided, the municipal government of the city of London do continue as heretofore:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

I.—Preliminary.

1. This Act may be cited as The Metropolitan Corporation of London Act, 1870. Short title.

2. In this Act— Interpretation. 18 & 19 Vict. c. 120. s. 250.

The terms "the metropolis" and "the city of London" have the same meaning as in The Metropolis Management Act, 1855:

Other terms have the same meaning as in The Municipal Boroughs (Metropolis) Act, 1870.

3. This Act shall, except where it is otherwise expressed, commence and take effect from and immediately after the *thirty-first* day of *December* one thousand eight hundred and *seventy*, Commencement of Act.

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which time is in this Act referred to as the commencement of this Act.

II.—City of London.

Continuance of corporation of city in and for city.

4. In and for the city of London, the corporation of the city of London, as it exists at the passing of this Act, that is to say, the mayor and commonalty and citizens of the city of London, or the mayor, aldermen, and commonalty of the city of London, or by whatever other name or title of incorporation the body corporate of the city of London has been at any time incorporated, designated, or known, shall, subject to the provisions of this Act, continue as if this Act had not been passed, and the municipal government of the city of London shall, subject to the provisions of this Act, continue as if this Act had not been passed.

Modification of corporate names in city.

5. In and for the city of London the corporate name of the corporation of the city of London shall be the warden, aldermen, and citizens of the city of London.

The warden, the head of that corporation, shall be styled the warden of the city of London.

The aldermen, members of that corporation, shall be styled aldermen of the city of London.

The court known as the common council of the city of London shall be styled the council of the city of London.

The members of that council other than the warden and aldermen shall be styled councillors of the city of London.

Merger of court of aldermen in council of city.

6. The court of aldermen of the city of London shall cease to sit apart from the council of that city, and to have or exercise any function, right, power, or authority separate or distinct from those of that council.

Council of city to have like powers as council of metropolitan borough.

7. Subject to the provisions of this Act, the council of the city of London shall have and may exercise in and for that city all such functions, rights, powers, and authorities as the council of a metropolitan municipal borough have and may exercise in and for the borough, including the power to levy borough rates.

Functions, &c. reserved to council of city.

8. The following functions, rights, powers, and authorities are by this Act transferred or reserved to and vested in the council of the city of London:

The jurisdiction exercised by the court of aldermen of the city of London in respect of the election of officers in the wardmotes of the city and of councillors and other officers of the city:

All functions, rights, powers, and authorities which concern the committee of livery of that court:

The election of a clerk and assistant clerk to the deputy mayor of London appointed as in this Act provided:

The election of the coroner of the city of London:

The nomination and appointment of the commissioners of sewers of the city of London:

The election of the clerk of the works of the city of London:

The power to appoint, and from time to time replace or dismiss, all such officers, clerks, and servants as the council of the city of London deem it necessary or expedient to employ for the better carrying on of the business of the same;

The power from time to time (subject as in this Act provided) to fix the salaries, compensations, or remunerations of the warden of the city of London, and of all officers, clerks, and servants whom the council of the city of London are by this Act authorized to appoint:

The power to order all payments which before the commencement of this Act have been or might have been lawfully made out of the cash or funds of the city of London, in, for, or towards the fulfilment and exercise of the functions, rights, powers, and authorities by this Act vested in the council of the city of London:

The power to make byelaws and acts of council for the better fulfilment and exercise of those functions, rights, powers, and authorities:

All functions, rights, powers, and authorities exercised by the court of aldermen or the common council of the city of London in reference to the city police:

All functions, rights, powers, and authorities incident or subsidiary to the fulfilment and exercise of the several functions, rights, powers, and authorities aforesaid:

but any byelaw, act of council, or proceeding of the council of the city of London repugnant to this Act shall be void.

Cesser of powers of corporation of city over Southwark.

9. All powers, authorities, and jurisdictions of the corporation of the city of London, or of any of the courts or officers thereof, over or within the borough of Southwark, or any part thereof, or the ward of Bridge Without, shall cease.

No election of an alderman or a justice or of any clerks to justices or other officers for the ward of Bridge Without shall be had after the passing of this Act, but nothing in this Act shall prejudicially affect the interests of the respective holders, at the commencement of this Act, of those offices as officers of the metropolitan corporation of London.

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Saving for government of wards, &c. in city.

10. Except as in this Act is expressly provided, nothing in this Act shall affect the government of any ward into which the city of London is divided, or the election or qualification of the aldermen or councillors of that city, or the qualification of the persons entitled to vote in the elections thereof respectively, or the constitution, holding, or proceedings of the council of that city, or of the court of common hall thereof, or the functions, rights, powers, or authorities of deputies, or shall in anywise diminish or prejudice the rights, powers, or privileges of the aldermen or councillors of the city of London in their respective individual capacities.

Saving for court known as Lord Mayors Court.

11. The court of the mayor and aldermen of the city of London in the outer chamber, commonly called the Lord Mayor's Court, shall be styled the Court, but nothing in this Act shall affect the constitution, jurisdiction, functions, powers, or proceedings of that court.

Saving for comissioners of sewers of city.

12. Except as in this Act is expressly provided, nothing in this Act shall affect the constitution, functions, powers, or proceedings of the commissioners of sewers of the city of London, or the authority of any of their officers, or The City of London Sewers Act, 1848, or The City of London Sewers Act, 1851.

Saving for lieutenancy of city.

13. Nothing in this Act shall affect the constitution, functions, powers, privileges, or proceedings of the court or commissioners of lieutenancy for the city of London.

Saving for rights of freemen, liverymen, &c., of city.

14. Except as in this Act is expressly provided, nothing in this Act shall affect any of the rights, privileges, franchises, and immunities of the freemen, liverymen, and citizens of the city of London.

General saving for charters, rights, &c., of city.

15. Subject only to the express provisions of this Act, all charters, grants, gifts, rights, liberties, privileges, franchises, customs, usages, constitutions, prescriptions, immunities, acts, standing orders of common council, and byelaws, granted to, had, used, enjoyed, enacted, or made by the corporation of the city of London, shall continue and be as if this Act had not been passed.

III.—Metropolitan Corporation of London.

Constitution of Metropolitan Corporation.

Extension of authority of corporation of city to metropolis.

16. In and for the metropolis, the corporation of the city of London existing at the passing of this Act shall have the corporate name and constitution given thereto for that purpose by this Act, and by that name, and with that constitution, and subject and according to the provisions of this Act, shall have superior municipal authority throughout the metropolis.

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Corporate name of corporation for the metropolis.

17. In and for the metropolis, the corporation of the city of London shall take and bear the corporate name of the Lord Mayor, aldermen, and commonalty of London, and as such shall be designated the metropolitan corporation of London.

Members of metropolitan corporation.

18. All citizens of the city of London, and all burgesses of the several metropolitan municipal boroughs, shall be members of the metropolitan corporation of London.

Common seal of metropolitan corporation.

19. The metropolitan corporation of London shall have a common seal distinct from the common seal of the corporation of the city of London.

Constitution of metropolitan council.

20. The governing body of the metropolitan corporation of London shall be the metropolitan council of London, consisting of—

The Lord Mayor of London:

The aldermen of London:

The metropolitan councillors of London.

Lord Mayor's election, tenure of office, &c.

21. The first Lord Mayor of London shall be the person who is at the commencement of this Act mayor of the city of London; and he shall be entitled to hold office until the day of one thousand eight hundred and seventy-one.

Every subsequent Lord Mayor of London shall be elected by the metropolitan council of London from among the aldermen of London, and shall be entitled to hold office for one year.

The election and admission to office of the Lord Mayor of London may be had and conducted at the like time, in the like manner, and with the like formalities as the election and admission to office of the mayor of the city of London have been accustomed to be had and conducted.

Deputy mayor of London.

22. The warden of the city of London shall as such be an alderman of London and the deputy mayor of London.

If the Lord Mayor of London, by death or otherwise, ceases to hold office within his year of office, the deputy mayor of London shall become Lord Mayor of London for the rest of that year.

In that event the office of warden of the city of London shall be vacant, and the vacancy shall be filled according to the rules for the time being in force relative to the filling of a casual vacancy in the office of mayor of the city of London.

Lord Mayor to retain present dignity and powers.

23. The Lord Mayor of London shall at all times have and retain such dignity and precedence in all respects as the mayor of the city of London has at the passing of this Act, and shall in person, or by the deputy mayor of London, have, exercise, and

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perform all such functions, powers, authorities, and duties as the mayor of the city of London by statute or other law, or by the charters and customs of the city of London, has, exercises, and performs, or could lawfully exercise or perform, and may use a seal of office as the Mayor of the city of London has been accustomed to do.

Aldermen of London.

24. The aldermen of London shall be—

(1.) The chairman at the commencement of this Act of the Metropolitan Board of Works:

(2.) Originally on the commencement of this Act all, and ultimately *eight*, of the aldermen of the city of London, as representatives of that city:

(3.) *Three* councillors of each of the metropolitan boroughs as representatives thereof.

Chairman of Metropolitan Board to be chairman of committees of metropolitan council.

25. The alderman of London who at the commencement of this Act is chairman of the Metropolitan Board of Works shall be chairman of committees of the metropolitan council of London during his life:

Provided that he may resign or be removed by a resolution of that council, agreed to by two thirds of such of the members thereof as are present at a meeting specially convened with notice of the object:

Provided also, that if Sir John Thwaites is the person who under this section would be entitled to hold the office of chairman of committees, and he declines to accept, or at any time resigns the same, he shall be entitled to such yearly sum during his life by way of retiring pension as that council direct, not being less than three quarters of the yearly salary for the time being paid to him as chairman of the Metropolitan Board of Works or of committees, to commence from the date of his declining to accept or resigning office, and to be paid by equal quarterly payments.

On the first vacancy in the office of chairman of committees, the office as constituted by this Act shall cease, and the number of aldermen of London shall be reduced by one.

Aldermen representatives of city.

26. The number of the aldermen of London who are such as representatives of the city of London shall be reduced to *eight* by vacancies in their number not being filled until their number is less than *eight*.

On a vacancy whereby their number is made less than *eight*, and on every subsequent vacancy, the same shall be filled by the election by the council of the city of London of an alderman of that city to be an alderman of London as a representative of the city of London.

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Every such election shall be made within fourteen days after the happening of the vacancy, according to regulations to be from time to time made by the council of the city of London.

Every person so elected to be an alderman of London shall hold office during good behaviour, or until he ceases to be an alderman of the city of London; provided that the council of the city of London may from time to time fix a term (not being less than *six* years) for such aldermen to hold office.

Aldermen representatives of metropolitan boroughs.

27. At each election after the passing of this Act of councillors in each metropolitan municipal borough *three* of the persons then elected to be councillors shall be elected to be also aldermen of London as representatives of the borough.

If at any such election there is for any reason a failure so to elect all or any of the *three* aldermen, three or two or one, as the case requires, of the persons then elected to be councillors shall be elected by the council of the borough to be aldermen or an alderman of London, representatives or a representative of the borough.

Every person so elected shall be entitled to hold office as alderman of London during his term of office as councillor of the borough, but no longer.

Casual vacancies among the persons so elected shall be filled by election by the council of the respective borough of a councillor thereof, and every person so elected shall be entitled to hold office as long as the person in whose place he is elected would have been entitled to hold office.

Metropolitan councillors of London.

28. The metropolitan councillors of London shall be—

(1.) The members, at the commencement of this Act, of the Metropolitan Board of Works:

(2.) *Thirty-two* members of the council of the city of London, as representatives of that city:

(3.) *One hundred and thirty-five* councillors of metropolitan boroughs as representatives thereof.

Duration of office of members of Metropolitan Board.

29. The members, at the commencement of this Act, of the Metropolitan Board of Works shall be metropolitan councillors of London for the residue of the respective terms for which they were elected to the board, unless they sooner die, resign, or become disqualified.

Everything that would have disqualified a person from being a member of the board shall disqualify him from being a metropolitan councillor of London.

Vacancies among the metropolitan councillors of London caused by vacancies among the persons who were members of the board shall not be filled.

A.D. 1870.

Metropolitan councillors representatives of city.

30. The members of the council of the city of London who are to be metropolitan councillors of London as representatives of that city shall be elected by the council of that city.

Every person so elected shall be entitled to hold office for *one year* unless he sooner ceases to be a member of the council of the city of London.

The council of the city of London may nevertheless extend the term of office of persons so elected to not more than *two years* (but so that the total number of metropolitan councillors of London representatives of the city of London allowed by this Act be not thereby increased).

The election shall be held on the week day next after the day of the annual election of councillors of the city of London.

The first election shall be in the year 1870.

Casual vacancies among the persons so elected shall be filled by election by the council of the city of London from among the members of that council, and every person so elected shall be entitled to hold office as long as the person in whose place he is elected would have been entitled to hold office.

Metropolitan councillors representatives of metropolitan boroughs.

31. The metropolitan councillors of London representatives of metropolitan municipal boroughs shall be elected for those boroughs in the proportions stated in the schedule to this Act.

At each election after the passing of this Act of councillors in each metropolitan municipal borough, so many of the persons then elected to be councillors of the borough as amount to the prescribed number of metropolitan councillors of London representatives of the borough shall be elected to be also such metropolitan councillors.

If at any such election there is for any reason a failure so to elect all or any of the prescribed number of metropolitan councillors, the prescribed number, or the residue thereof, (as the case requires), shall be elected by the council of the borough.

Every person so elected may hold office as metropolitan councillor of London during his term of office as councillor of the borough, but no longer.

Casual vacancies among the persons so elected shall be filled by election by the council of the respective borough of a councillor thereof, and every person so elected shall be entitled to hold office as long as the person in whose place he is elected would have been entitled to hold office.

Lord Mayor, &c. to be re-eligible.

32. The Lord Mayor and every alderman and metropolitan councillor of London going out of office by effluxion of time shall be re-eligible.

Powers, &c. of Metropolitan Corporation. A.D. 1870.

Functions, powers, &c. of metropolitan corporation.

33. The metropolitan corporation of London acting by the metropolitan council of London shall have, exercise, and perform in and for the metropolis the following functions, rights, powers, authorities, and duties:

(1.) All such as at the commencement of this Act the corporation of the city of London, acting by the court of aldermen, or by the court of common council, or otherwise, have, exercise, and perform, or could lawfully exercise or perform, in and for the city of London or elsewhere, except such thereof as are by or under this Act transferred or reserved to or vested in the council of the city of London, or as are expressly saved from being affected by this Act:

(2.) All such as at the commencement of this Act the Metropolitan Board of Works have, exercise, or perform, or could lawfully exercise or perform, except such thereof as necessarily under this Act cease or become incapable of being exercised or performed.

And on the commencement of this Act the Metropolitan Board of Works shall cease to exist.

Transfer of property, &c. to metropolitan corporation.

34. The metropolitan corporation of London shall hold, receive, and take all real and personal property, and all duties, tolls, and revenues vested in or receivable by the corporation of the city of London or by the Metropolitan Board of Works, for the respective estate and interest of the corporation of the City of London and the Metropolitan Board of Works therein, and shall hold, receive, take, and apply the same as their corporate property for the public benefit of the inhabitants of the metropolis.

Application to metropolitan corporation of savings for corporation of city, &c.

35. All savings and provisions in any other Act saving and providing for the rights of the corporation of the city of London or of the Metropolitan Board of Works shall, as far as the same are applicable to the metropolitan corporation of London, and are not inconsistent with this Act, continue and have effect in favour of and with reference to that corporation.

Extended powers of compulsory purchase of land.

36. All powers which by the Metropolis Management Acts are given to the Metropolitan Board of Works, and also all powers which by the Act of the fifty-seventh year of the reign of King George the Third (chapter twenty-nine) "for better paving, improving, and regulating the streets of the metropolis, and removing and preventing nuisances and obstructions therein," are given to the commissioners or trustees or other persons therein referred to, of taking land or rights or easements in or over land compulsorily, may be exercised by the metropolitan corporation of

A.D. 1870.

London for the improvement of any street, thoroughfare, or public place from time to time existing in the metropolis, and also for the purpose of freeing any thoroughfare (including bridges) within the same from tolls, gates, and bars; and the previous consent of the Secretary of State shall not in any case be required for such compulsory taking.

Governors of city hospitals.

37. Every alderman of London shall during his term of office be ex officio a governor of the hospitals of Edward the Sixth King of England, of Christ, Bridewell, and Saint Thomas the Apostle, and of the hospitals of Henry the Eighth King of England, called the House of the Poor in West Smithfield, and of the house and hospital called Bethlehem; and the metropolitan council of London shall appoint the twelve commissioners for every of the said hospitals whom, under the Act of the twenty-second year of the reign of King George the Third (chapter seventy-seven), the council of the city of London are authorized to appoint.

Metropolitan Council to have custody of charters, &c.

38. The metropolitan council of London shall have the sole custody and control of all charters, deeds, records, muniments, and documents belonging to or concerning the corporation of the city of London as it exists at the commencement of this Act, except such as the metropolitan council of London from time to time see fit to leave or place in the custody or control of the council of the city of London.

Metropolitan council to have cognizance of elections.

39. The metropolitan council of London shall have such cognizance of elections of aldermen and metropolitan councillors of London as at the commencement of this Act the court of aldermen of the city of London has of the election of common councillors of that city, and shall in that behalf be a court of record.

Power for metropolitan council to appoint committees.

40. The metropolitan council of London, for the convenient transaction of business, may from time to time appoint such standing and other committees, so composed, as they think fit, and may delegate to and distribute among those committees, or any of them, such of the duties, powers, and authorities of the council as they from time to time think fit.

Proceedings of metropolitan council to be regulated by charters, &c. of city.

41. The proceedings of the metropolitan council of London and of the committees thereof shall be regulated (except as otherwise provided by or under this Act) by the charters and customs of the city of London relative to the proceedings of the common council of that city and the committees thereof.

Quorum of council.

42. All powers vested in the metropolitan council of London may be exercised by *thirty* members of the council present at a

meeting of the council, the Lord Mayor or deputy mayor of London being one, and *two* other aldermen of London being *two* thereof; and no business shall be transacted at any meeting of the council unless a quorum of the council so constituted is present.

Error in elections, &c., not to vitiate acts of council.

43. Any act or proceeding of the metropolitan council of London, or of any committee, or of any of the members thereof, shall not be invalidated or be illegal by reason of any irregularity in the election of any member of the council, or by reason of any person not qualified or ceasing to be qualified acting as a member thereof, or by reason of a failure or omission on any occasion to elect a member thereof, or by reason of any other irregularity, error, failure, or omission in or about any election or in or about any matter preliminary or incidental thereto.

Byelaws.

Power for metropolitan council to make byelaws.

44. The metropolitan council of London may from time to time make byelaws for better carrying into effect this Act, by such special majority as the metropolitan council, with the advice of the recorder of London, from time to time determine.

Saving for power to remedy defects in constitution.

45. The power conferred by charter or custom of the city of London, whereby the corporation of that city is enabled to remedy defects in the constitution of the same, may be exercised also by the metropolitan council of London, by such special majority as aforesaid.

Byelaws to be certified by recorder.

46. A byelaw under this Act shall not be valid unless certified by the recorder of London, in writing under his hand, to be not inconsistent with this Act.

Officers.

Transfer of officers of city of London.

47. The sheriffs of London, the recorder, the common serjeant, and the chamberlain, and all other officers and all servants of the corporation of the city of London, except those the appointment to whose offices or places is to be under this Act vested in the council of the city of London, or in the court of common hall, or in the commissioners of sewers of the city of London, shall become and be officers and servants respectively of the metropolitan corporation of London, as well as of the corporation of the city of London; and those officers shall, according to their respective titles of office, be styled, as regards the metropolis, officers of London, and as regards the city of London, officers of the city of London.

Transfer of officers of Metropolitan Board of Works.

48. All officers and servants of the Metropolitan Board of Works shall become and be officers and servants of the metropolitan corporation of London.

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Duties of officers transferred.

49. Each of the officers and servants of the city of London, and of the corporation thereof, and of the Metropolitan Board of Works, becoming by virtue of this Act an officer or servant of the metropolitan corporation of London, until he resigns or is removed from his office or place, shall continue to act in the like capacity, as regards the city of London and the corporation thereof, as at the commencement of this Act, and shall also act in a corresponding capacity as regards the metropolis and the metropolitan corporation of London.

Appointment of sheriffs, chamberlain, &c.

50. The sheriffs, the chamberlain, the auditors of accounts, and the bridge masters of London shall, on vacancies after the commencement of this Act, be appointed by the metropolitan council of London; and the powers of electing sheriffs, of electing a chamberlain, of electing an auditor of accounts, and of electing bridge masters, vested in the court of common hall of the city of London shall cease.

Until the metropolitan council of London otherwise determine, those several officers shall hold office for the same periods, if any, and, except as in this Act expressly otherwise provided, under the same conditions, and shall be appointed at the same times, as before the commencement of this Act.

Alderman may be sheriff.

51. Any alderman of London may be elected a sheriff of London.

Functions, &c. of sheriffs not affected.

52. Nothing in this Act shall affect the functions, powers, and authorities of the sheriffs of London as sheriffs of London or as sheriff of Middlesex.

Appointment of recorder.

53. The recorder of London shall be appointed by the metropolitan council of London, subject to the approval of Her Majesty, to be signified by the Lord Chancellor.

Appointment of common serjeant.

54. The common serjeant of London shall be appointed by the metropolitan council of London.

Fines for non-acceptance of office.

55. Every person duly qualified elected or appointed to the office of lord mayor, sheriff, alderman, or metropolitan councillor of London, or to any office under the metropolitan corporation of London, for the non-acceptance of which or of the corresponding office to which a fine would be payable under the charters and customs of the city of London, shall accept the office to which he is elected or appointed, or shall, in lieu thereof, pay to the metropolitan corporation of London such fine as by charter or custom he would be liable to pay for the non-acceptance of the office of mayor, sheriff, alderman, or councillor of the city of London, or other office to which he is elected or appointed.

But every such person shall be entitled to claim the like exemptions from accepting or serving office as by charter or custom he would be entitled to in the like event as regards the city of London.

Newly appointed officers need not be freemen of city.

56. Any person to be appointed by the metropolitan council of London an officer or servant of the metropolitan corporation of London need not be a freeman of the city of London.

Metropolitan Council to have control over officers.

57. The metropolitan council of London shall have and exercise such authority, control, and jurisdiction over all officers and servants of the metropolitan corporation of London, elected or appointed before or after the commencement of this Act, as the court of aldermen and the common council of the city of London, or either of them, have or has at the commencement of this Act, over the officers and servants of the corporation of the city of London; and the metropolitan council of London from time to time may discontinue the appointment of such officers and servants as appear to that council not necessary to be re-appointed, and appoint such new or additional officers and servants of the metropolitan corporation of London, on such conditions, under such securities, with such qualifications, functions, and powers, and for such terms of office respectively, as that council think fit.

Metropolitan council to fix salaries, &c.

58. The metropolitan council of London shall from time to time fix the salary of the Lord Mayor of London (not being less than the official income at the commencement of this Act of the mayor of the city of London), and the salary of the chairman of committees of the metropolitan council (not being less than the salary at the commencement of this Act of the chairman of the Metropolitan Board of Works), and the salaries and remunerations of all other officers and of all servants of the metropolitan corporation of London (not being less, as respects any person being, at the commencement of this Act, such an officer or servant, than his salary or remuneration at the commencement of this Act), and may allow to the standing and other committees of the metropolitan council of London such yearly or other sums of money for the attendance of the members of those committees as the metropolitan council of London from time to time think fit.

Officers to account to metropolitan council.

59. Every officer or servant of the corporation of the city of London, or of the Metropolitan Board of Works, becoming by virtue of this Act an officer or servant of the metropolitan corporation of London, shall from time to time account to the metropolitan council of London, or as they direct, for all matters committed to his charge, and for all money received by him, and shall, when required by that

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council, pay and deliver up, as they appoint, all money, goods, securities, deeds, books, and papers belonging to or concerning the metropolitan corporation of London or the Metropolitan Board of Works in his possession or receipt or under his control.

If any such officer or servant fails in any respect to comply with the requirements of this section, he shall be liable, if previously an officer or servant of the corporation of the city of London, to such process, punishment, or penalty as under the charters or customs of the city of London is provided in the like case, and if previously an officer or servant of the Metropolitan Board of Works, to such process, punishment, or penalty as under the Metropolis Management Acts is provided in the like case.

Compensation to officers.

60. Sections sixty-six and sixty-seven of the Municipal Corporations Act of 1835, relative to the compensation of officers, shall apply to every officer of the corporation of the city of London or of the Metropolitan Board of Works whose office is abolished by or under this Act, or who is removed from office by the metropolitan council of London, and is not re-appointed under this Act, those sections being read as if the words "metropolitan council of London" were throughout substituted for "council" or "council of the borough," the words "funds of the metropolitan corporation of London" for "borough rate" or "borough fund," the words "lord mayor" for "mayor," the word "chamberlain" for "treasurer," and the words "common seal of the metropolitan corporation of London" for the "common seal of the borough, out of whose funds the same shall be payable."

For the purpose of such compensation, any office held from year to year, to which, since the beginning of the present century, the holder for the time being has been customarily re-elected, may be considered a permanent one.

IV.—Miscellaneous.

Saving for existing contracts, &c., of corporation, of city, and of Metropolitan Board of Works.

61. With respect to and in consequence of the transfer of powers and property by this Act from the corporation of the city of London and from the Metropolitan Board of Works to the metropolitan corporation of London, the following provisions shall have effect:—

(1.) All contracts, agreements, bonds, covenants, or securities made or entered into with or in favour of the corporation of the city of London or the Metropolitan Board of Works, or any person on their respective behalf, shall remain as valid and effectual as if this Act had not been passed:

(2.) Any action, suit, prosecution, or proceeding commenced or carried on by or against the corporation of the city of London or the Metropolitan Board of Works shall not

abate or be discontinued or prejudicially affected by this Act, but shall be continued and carried on as if this Act had not been passed, the metropolitan corporation of London being only substituted for the corporation of the city of London or the Metropolitan Board of Works:

(3.) All money coming to the corporation of the city of London or the Metropolitan Board of Works under any such contract, agreement, bond, covenant, security, action, suit, prosecution, or proceeding shall be paid over to the metropolitan council of London, or as they direct, and be applied to the like purposes as the same might have been applied to by the corporation of the city of London or the Metropolitan Board of Works if this Act had not been passed:

(4.) All money, debts, and liabilities which the corporation of the city of London or the Metropolitan Board of Works would have been liable to pay or discharge under any such contract, agreement, bond, covenant, security, action, suit, prosecution, or proceeding, out of any estates or revenues of that corporation, or out of any rates levied by that board, and all costs, damages, and expenses which that corporation or board might, if this Act had not been passed, have lawfully defrayed out of any such estates, revenues, or rates, shall be paid by the metropolitan council of London:

(5.) All decrees and orders made, fines and penalties imposed and incurred in any action, suit, or proceeding, by or on behalf of or against the corporation of the city of London or the Metropolitan Board of Works, may be enforced, levied, recovered, and proceeded for, by or on behalf of or against the metropolitan corporation of London:

(6.) All debts and liablities lawfully charged on or payable out of the estates or revenues of the corporation of the city of London, or out of any rate or assessment authorized to be made by the Metropolitan Board of Works, shall be charged on the same estates or revenues in the hands of the metropolitan corporation, and on the like or other rates leviable by them, and the metropolitan council of London shall cause the sums necessary for discharging the same to be raised out of or by means of those estates, revenues, and rates:

(7.) Every mortgagee or other person entitled to any mortgage or charge made or given by the corporation of the city of London or by the Metropolitan Board of Works, shall

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have the same rights and remedies in relation thereto against the metropolitan corporation of London, and their corporate estates and revenues and the rates leviable by them, as he would have had against the corporation of the city of London or the Metropolitan Board of Works, or any of the estates or revenues of that corporation, or any rates raised by that board, if this Act had not been passed:

(8.) Subject to the provisions of this Act all administrative proceedings commenced by the corporation of the city of London or the Metropolitan Board of Works may be continued and completed by the metropolitan corporation of London.

Arrears of rates made by Metropolitan Board.

62. Arrears at the commencement of this Act of rates made by the Metropolitan Board of Works shall be paid to the metropolitan corporation of London, to be applied as nearly as may be as if this Act had not been passed.

Precepts for sums assessed on city.

63. Precepts by the Metropolis Management Acts required to be directed to the chamberlain of the city of London shall be directed to the council of that city, and the provisions of those Acts relating to the payment by the chamberlain of sums required by such precepts to be paid shall apply to that council.

Place of meeting of council, &c. of city.

64. The council of the city of London and the court of common hall of that city may meet at their accustomed places of meeting as far as the same are not required by the metropolitan council of London, and, until the metropolitan council otherwise provide, shall, for the purposes of such respective meetings, retain and have the use of such articles and things the property of the metropolitan corporation of London, and of the services of such officers and servants of that corporation, as the courts of aldermen, common council, and common hall respectively of the city of London have been accustomed to use in or for the transaction of business, either gratuitously or for such compensation as the metropolitan council of London and the council of the city of London in each case agree on.

Corporation property and town hall in Southwark.

65. The metropolitan council of London shall dispose of the property (if any) of the metropolitan corporation of London within the borough of Southwark (other than the Bridge House estates), not required by that corporation, and shall, at their own expense, build a town hall for the metropolitan municipal borough of Southwark, on such terms as they and the council of that borough agree on.

Costs of Act.

66. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of this Act, shall be paid by the metropolitan corporation of London.

SCHEDULE.

Apportionment among Metropolitan Municipal Boroughs of number of Metropolitan Councillors of London Representatives of such Boroughs.

Borough.	Number of Metropolitan Councillors of London.
Westminster	*Thirteen.*
Chelsea	*Ten.*
Marylebone	*Twenty-three.*
Finsbury	*Eighteen.*
Hackney	*Fifteen.*
Tower Hamlets	*Sixteen.*
Lambeth	*Thirteen.*
Southwark	*Fifteen.*
Greenwich	*Twelve.*

Corporation of London.

A

B I L L

For creating a Metropolitan Corporation of London, and for continuing the Municipal Government of the City of London; and for other purposes connected therewith.

(*Prepared and brought in by Mr. Buxton and Mr. Thomas Hughes.*)

Ordered, by The House of Commons, *to be Printed,* 7 *March* 1870.

[Bill 66.]

Under 3 *oz.*

A

B I L L

TO

Amend the Acts relating to the expense of Commissioners to inquire into Corrupt Practices at Elections. A.D. 1870.

WHEREAS by an Act passed in the sixth year of Her present Majesty's reign it was, among other things, provided that the registration expenses therein mentioned of any city or borough should be defrayed out of moneys to be collected for the relief of the poor in the several parishes and townships within the same city or borough, to be contributed by the several parishes or townships in certain proportions therein mentioned: 6 & 7 Vict. c. 18. s. 55.

And whereas by another Act passed in the thirty-second year of Her Majesty it was enacted, that the expenses of any commission of inquiry therein mentioned shall be defrayed as if they were expenses incurred under the provisions of the Act herein-before first-recited: 31 & 32 Vict. c. 125. s. 15.

And whereas portions of parishes not included within the boundaries of any city or borough have thereby become liable for the expenses of any commission of inquiry affecting such borough:

And whereas it is expedient to amend the said last-mentioned Act in this respect:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Expenses of inquiry to be raised by special rate on parishes within Parliamentary boundary.

1. That with respect to any city or borough such expenses of any commission of inquiry held or to be held since the passing of the last-recited Act shall be defrayed out of a special rate to be levied on such parishes or townships or parts of parishes or townships only as are situate within the Parliamentary boundary of such city or borough, and such rate shall be levied and leviable in the same manner and by the same persons as if it were a poor rate of such parishes or townships or parts of parishes or townships; and the sum to be contributed by each parish or township or part of a parish or township so liable to defray such expense towards defray-

A.D. 1870.

ing the total amount of such expense shall be calculated in the same manner and according to the same proportion as is mentioned in the said first-recited Act, such parts of parishes or townships being deemed for the purposes of this Act and the said Act to be parishes or townships.

Corrupt Practices Act Amendment.

A

B I L L

To amend the Acts relating to the expense of Commissioners to inquire into Corrupt Practices at Elections.

(*Prepared and brought in by Mr. Bouverie and Mr. Bonham-Carter.*)

Ordered, by The House of Commons, *to be Printed*, 21 *July* 1870.

[Bill 235.]

Under 1 *oz.*

A

BILL

[AS AMENDED IN COMMITTEE]

TO

Amend the Acts relating to the expense of Commissioners to inquire into Corrupt Practices at Elections. A.D. 1870.

WHEREAS by an Act passed in the sixth year of Her present Majesty's reign it was, among other things, provided that the registration expenses therein mentioned of any city or borough should be defrayed out of moneys to be collected for the relief of the poor in the several parishes and townships within the same city or borough, to be contributed by the several parishes or townships in certain proportions therein mentioned: 6 & 7 Vict. c. 18. s. 55.

And whereas by another Act passed in the thirty-second year of Her Majesty it was enacted, that the expenses of any commission of inquiry into the existence of corrupt practices at elections of members to serve in Parliament for a city or borough shall be defrayed as if they were expenses incurred in the registration of voters for such city or borough: 31 & 32 Vict. c. 125. s. 15.

And whereas portions of parishes not included within the boundaries of any city or borough, as defined for the purpose of parliamentary representation, have thereby become liable for the expenses of any commission of inquiry affecting such city or borough so defined as aforesaid:

And whereas it is expedient to amend the said last-mentioned Act in this respect:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. That with respect to any city or borough such expenses of any commission of inquiry held or to be held since the passing of the last-recited Act shall be defrayed out of a special rate to be levied on such parishes or townships or such parts of parishes or townships only as are situate within the Parliamentary boundary of such city or borough, and such rate shall be levied and leviable with the Expenses of inquiry to be raised by special rate on parishes within Parliamentary boundary.

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poor rate and in the same manner and by the same persons as if it were a poor rate of such parishes or townships or such parts of parishes or townships; and the sum to be contributed by each such parish or township or such part of a parish or township towards defraying the total amount of such expense shall be calculated in the same manner and according to the same proportion as is mentioned in the said first-recited Act with regard to the contribution of entire parishes or townships to the registration expenses therein mentioned.

Corrupt Practices Act Amendment.

A

B I L L

[AS AMENDED IN COMMITTEE]

To amend the Acts relating to the expense of Commissioners to inquire into Corrupt Practices at Elections.

(*Prepared and brought in by Mr. Bouverie and Mr. Bonham-Carter.*)

Ordered, by The House of Commons, *to be Printed,* 28 *July* 1870.

[Bill 246.]

Under 1 *oz.*

A

B I L L

TO

Amend the law relating to the appointment, duties, and payment of County Coroners, and expenses of inquests in Ireland. A.D. 1870.

WHEREAS it is expedient to authorize coroners in Ireland to appoint deputies to act in their stead in certain cases, and to limit the number of coroners in the counties in Ireland, and to amend the law with respect to the appointment and payment of coroners for counties, and the expenses of inquests in Ireland, and to provide compensation for coroners obliged to give up their office, and make other provisions with respect to the duties of such coroners:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

1. That, from and after the passing of this Act, the several parts of the Acts herein-after mentioned shall be and the same are hereby repealed; that is to say, so much of an Act passed in the fourth year of His late Majesty George the Fourth, intituled "An Act to "regulate the amount of presentments by grand juries for pay- "ment of the public officers of the several counties in Ireland," and the schedule thereto annexed, as relates to the number of coroners for the counties of Ireland therein named; and so much of an Act passed in the ninth and tenth years of Her present Majesty, intituled "An Act to amend the laws relating to the office of coroner and the "expenses of inquests in Ireland," as relates to the election of coroners for counties, and their property qualification, and the payment of such coroners for counties by fees, and so much of the said last-mentioned Act and the schedule C. thereto as relates to the payment of poor witnesses attending at inquests. Parts of the Acts of 4 G. 4. c. 43. and 9 & 10 Vict. c. 37. repealed.

2. From and after the passing of this Act, it shall be lawful for every coroner in Ireland, and he is hereby directed, by writing under his hand and seal, to nominate and appoint from time to time a fit and proper person (such appointment being subject to the approval Appointment of deputies.

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of the judges of the court of Queen's Bench in Ireland) to act for him as his deputy in the holding of inquests; and all inquests taken and other acts performed by any such deputy coroner, under and by virtue of any such appointment, shall be deemed and taken to all intents and purposes whatsoever to be the acts and deeds of the coroner by whom such appointment was made: Provided always, that a duplicate of such appointment shall be forthwith transmitted to the clerk of the peace for the county, city, riding, or division of a county in which such coroner shall reside, to be filed among the records of the said county, city, riding, or division of a county; provided also, that no such deputy shall act for any such coroner as aforesaid except during the illness of the said coroner, or during his absence from any lawful or reasonable cause; provided also, that every such appointment may at any time be cancelled and revoked by the coroner by whom the same was made.

Limitation of the number of coroners, and re-arrangement of the coroner's districts in some counties.

3. Upon the death, resignation, or removal of any coroner or coroners of such counties in Ireland wherein the number of coroners exceed the number herein-after limited for such county, that the vacancy or vacancies occasioned by such deaths or resignations shall not be filled up until the number of coroners in such county shall be reduced below the number herein-after limited for such county, and that the number of coroners shall not thereafter in such counties, or from the passing of this Act, in the other counties of Ireland, exceed four coroners for the county of Cork; three coroners for each of the counties of Antrim, Donegal, Galway, Kerry, Mayo, and Tipperary; two coroners for each of the counties of Armagh, Cavan, Clare, Down, Dublin, Fermanagh, Kildare, Kilkenny, King's County, Leitrim, Limerick, Londonderry, Louth, Meath, Monaghan, Queen's County, Roscommon, Sligo, Tyrone, Waterford, Westmeath, Wexford, and Wicklow; and one coroner for each of the counties of Carlow and Longford; and upon such death, resignation, or removal of any of the coroners of said counties whose place is not to be filled up, it shall be lawful for the Lord Lieutenant or other chief governor or governors of Ireland for the time being to order and direct that a special sessions shall be holden in such county for the dividing the same anew into such coroners districts as the reduced number of coroners may make necessary, and to fix the time and place for such sessions, and to order and direct the clerk of the peace for such county to give notice thereof to each justice of the peace for such county; and the said clerk of the peace shall give notice of the time and place for holding such sessions to each justice of the peace for such county within fifteen days after the receipt of said

order; and it shall be lawful for the said justices of the peace who shall be assembled at such sessions, and they are hereby required, to divide such county into such convenient districts as to the majority of such justices shall seem best with regard to the reduced number of coroners and districts in such county; and until such alteration of the districts shall be so made the inquests to be held in the district of such late coroner shall be held by the coroner or deputy coroner of the adjoining district in same county which shall be nearest to the places where such inquests are to be held. A.D. 1870.

The future appointment of coroners for counties.

4. The future appointments of the county coroners of Ireland shall be made by the grand jury of each county for their respective counties in Ireland, who will make such inquiry into the fitness of the candidates as may satisfy them of their respective qualifications and relative capacities for the discharge of the duties of such office.

County coroners to be paid 50*l.* at each assizes.

5. On and after the passing of this Act, the grand jury of any county, riding, or division of a county, when they shall have examined and approved of such abstracts and accounts as the remaining provisions of the Act of ninth and tenth Victoria, chapter thirty-seven, require, shall present for the payment of any coroner within such county, riding, or division of a county a sum not less than *fifty pounds* sterling at any one assizes for or in respect of such inquests as may have been holden by such coroner or by his deputy since the preceding assizes, or since his last application for a presentment; and whenever, from death, removal, or any other cause whatever, any county coroner shall not be entitled to a salary for the whole of the period from the time of one application for presentment to another, a proportionate part of the salary shall be paid to him, or in case of his death, to his personal representatives; and provided that nothing herein contained shall alter or deprive any coroner of the right to be repaid all expenses and disbursements which may have been paid or made by him or by his deputy on holding of or in reference to any inquest.

Payment of poor witnesses, and for removal of bodies.

6. From and after the passing of this Act, it shall and may be lawful for any person or persons by whom an inquest is held in Ireland to pay to any poor witness for each day of attendance at such inquest any sum not exceeding *two shillings* per day as shall seem just and reasonable, upon obtaining a receipt for such payment, as required by the Act of ninth and tenth Victoria, chapter thirty-seven, and to pay any sum not exceeding *five shillings* as shall be reasonable for the removal of any dead body from the place where such body was found to the house at which an inquest thereon is intended to be held, upon obtaining a like receipt for such payment.

A.D. 1870.

Superannuation of coroners, and provision for such.

7. From and after the passing of this Act, no person shall continue to hold the office of coroner in Ireland after he has attained the age of sixty years, or after he has become incapable from ill-health or infirmity to discharge the duties of his office; and every coroner of Ireland who, having attained the age of sixty years, shall have served in that office for twenty-one years, shall be entitled, at his option, to give up his office of coroner; and it shall and may be lawful for every such coroner who may be obliged or desires to give up his office to apply by petition to the Court of Queen's Bench, or to the judge of assize presiding in the county where such coroner lives, for a certificate or declaration that the petitioner has attained the age of sixty years, or is incapacitated by ill-health or infirmity from discharging the duties of his office, or who, having attained the age of sixty years, has served in that office for twenty-one years (as the case may be); and upon hearing such evidence of the alleged fact as may be given in support of such petition the court or judge before whom same is heard, shall give such certificate or declaration on the petition as to whether the statement therein has been proven or not as such court or judge may deem right; and upon the production of any such petition, with the certificate of said court or judge thereon, to the effect that the statement therein has been proven, the coroner who has presented such petition and obtained such certificate shall be thenceforth entitled to receive an annuity or yearly sum not less than *two thirds* of the salary to which he was entitled as coroner, to continue from thenceforth for and during his natural life, the amount of said annuity to be settled by the Lord Lieutenant; *and every such annuity shall be issued and payable by equal half-yearly payments out of and be charged upon the Consolidated Fund of Great Britain and Ireland.*

If coroner refuse to hold inquest, application may be made to a judge for a rule to show cause.

8. If any coroner shall refuse or neglect to hold an inquest, in any case when such inquest ought to be held, it shall be lawful for Her Majesty's Attorney General to apply to the Court of Queen's Bench, or during vacation to a judge of any one of Her Majesty's superior courts of common law in Dublin, for a rule calling on such coroner to show cause why he should not hold such inquest; and if, after the service of such rule, good cause shall not be shown against it, it shall be lawful for the judge to make such rule absolute, with or without paying of costs, as to such judge shall seem meet; and the coroner, upon being served with such rule absolute, shall obey the same, and hold such inquest, upon pain of being liable to an attachment in case of refusal or neglect.

Discharge of jury not agreeing to

9. In case no twelve or greater number of the jurors who may be sworn upon a coroner's inquest shall agree upon and return a

verdict within such reasonable time as the coroner or his deputy, or the magistrates, before whom such inquest is being held, shall determine, such coroner, deputy coroner, or magistrates shall be at liberty to discharge such jury, and upon their discharge to proceed anew to have another jury summoned and sworn upon such inquest, and obtain the attendance of witnesses thereat, as in manner provided for the holding of inquests, and shall so proceed until the verdict of a jury is obtained.

a verdict, and swearing of another jury.

10. When any person shall be taken on charge or suspicion of being feloniously implicated in the death of the person on whose body an inquest is being held, the coroner or deputy coroner holding such inquest is hereby empowered, upon a credible information of the fact being taken by such coroner or deputy in writing, to commit to prison the person so charged or suspected, to be retained in custody until the result of the inquiry and verdict of a jury on such inquest shall be had; whereupon such coroner or deputy coroner shall re-commit or release such person, as may be right, in pusuance of such verdict.

Committal by coroners of persons charged on information.

11. In every case in which a coroner's jury shall have found a verdict of manslaughter against any person or persons, it shall be lawful for the coroner or deputy coroner before whom the inquest was taken to accept bail, if he shall think fit, with good and sufficient securities, for the appearance of the person so charged with the offence of manslaughter at the next assize and general gaol delivery to be holden in and for the county, city, or borough within which the inquest was taken, and thereupon such person, if in custody of any officer, or in any gaol, under a warrant of commitment issued by such coroner or deputy coroner, shall be discharged therefrom.

In cases of manslaughter, the coroner may admit the persons charged to bail.

12. In every case in which any coroner or deputy coroner shall admit any person to bail, he shall cause recognizances to be taken in the form given in the schedule to this Act, and shall return such recognizances to the then next ensuing assizes, and such coroner or deputy coroner shall be entitled to such fees and charges as the clerks of petty sessions are by law entitled to on admitting persons charged to bail.

Recognizances to be taken.

13. At any time after all the depositions of witnesses shall have been taken, every person against whom any coroner's jury may have found a verdict of manslaughter shall be entitled to have from the person having custody thereof copies of the depositions on which such verdict shall have been found, on payment of a reasonable sum for the same, not exceeding the rate of *one penny halfpenny* for every folio of ninety words.

Copies of depositions to be supplied to persons against whom coroners juries have found verdicts of manslaughter.

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Interpretation.

14. In this Act the word "coroner" shall mean and extend to any person who is or shall be duly appointed or is now coroner for any county, city, or riding or division of a county in Ireland; and the word "deputy coroner" shall mean any person or persons appointed to such office under the provisions of this Act, or otherwise lawfully holding an inquest, in lieu or in the absence or for want of a coroner.

Extent of Act.

15. This Act shall extend to Ireland only.

SCHEDULE.

Be it remembered, that, on the day of in the year of our Lord , *A.B.* of [*farmer*], *L.M.* of [*grocer*], and *N.O.* of [*butcher*], came before me, one of Her Majesty's coroners [*or* a deputy coroner] for the [*county*] of , and severally acknowledged themselves to owe to our Lady the Queen the several sums following; that is to say, the said *A.B.* the sum of and the said *L.M.* and *N.O.* the sum of each, of good and lawful money of Great Britain, to be made and levied of their goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, her heirs and successors, if the said *A.B.* fail the condition indorsed.

Taken and acknowledged the day and year first above mentioned, at , before me,

J.S.,

Coroner [*or* Deputy coroner] for the [*county*] of .

Condition Indorsed.

The condition of the within written recognizance is such, that whereas a verdict of manslaughter has been found against the said *A.B.* by a jury impannelled to inquire how and by what means came by [*his*] death: If, therefore, the said *A.B.* shall appear at the next court of oyer and terminer and general gaol delivery to be holden in and for the [*county*] of , and there surrender himself into the custody of the keeper of the gaol there, and plead to such inquisition, and take his trial upon the same, and not depart the said court without leave, then the said recognizance shall be void, or else the same shall stand in full force and virtue.

County Coroners (Ireland).

A

B I L L

To amend the law relating to the appointment, duties, and payment of County Coroners, and expenses of inquests in Ireland.

(*Prepared and brought in by Mr. Vance and Mr. Callan.*)

Ordered, by The House of Commons, *to be Printed,* 4 *March* 1870.

[Bill 64.]

Under 1 *oz.*

A

B I L L

TO

Transfer to the Commissioners of Her Majesty's Works and Public Buildings the property in and control over the Buildings and Property of the County Courts in England, and for other purposes relating thereto. A.D. 1870.

WHEREAS it is expedient to transfer to the Commissioners of Her Majesty's Works and Public Buildings the complete control over the buildings and property of the County Courts in England, and to vest in the said Commissioners the buildings and property now vested in the treasurers of the said courts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

1. This Act may be cited as "The County Court (Buildings) Act, 1870." Short title.

2. In this Act the term "the Commissioners of Works" means the Commissioners of Her Majesty's Works and Public Buildings, as incorporated by the Act of the session of the fifteenth and sixteenth years of the reign of Her present Majesty, chapter twenty-eight, intituled "An Act to amend an Act of the fourteenth and "fifteenth years of Her present Majesty, for the direction of Public "Works and Buildings, and to vest the buildings appropriated for "the accommodation of the Supreme Courts of Justice in Edinburgh in the Commissioners of Her Majesty's Works and Public "Buildings." Definition of "Commissioners of Works."

3. All property, real and personal, (other than money and securities for money, books, papers, and records,) belonging to any county court, of or to which the treasurer of any county court or any other person is seised, possessed, or entitled in trust for a county court, shall, on *the passing of this Act*, pass to and be vested in Transfer of property from treasurers to Commissioners.

A.D. 1870.

the Commissioners of Works, for the same estate and interest, and subject to the same covenants, conditions, agreements, and liabilities, for and subject to which the same were held by the said treasurer or other person; and such treasurer or other person shall be discharged from such covenants, conditions, agreements, and liabilities.

Providing courts, offices, &c. 9 & 10 Vict., c. 95. ss. 48. 50. 30 & 31 Vict. c. 142. s. 18.

4. The Commissioners of Works, with the approval of the Commissioners of Her Majesty's Treasury, shall from time to time build, purchase, hire, or otherwise provide such court-house, offices, and buildings as may be necessary for carrying on the business of any county court, and cause the same to be furnished, cleaned, lighted, and warmed.

For the purposes of any such purchase, the Lands Clauses Consolidation Act, 1845, and the Acts amending the same, (except so much thereof as relates to the purchase of land otherwise than by agreement,) are hereby incorporated with this Act, and in construing those Acts for the purposes of this Act the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to be the Commissioners of Works.

Repeal.

5. The Acts mentioned in the schedule to this Act are hereby repealed, to the extent in the third column of the said schedule mentioned, without prejudice to anything already done or suffered or any right already acquired or accrued.

SCHEDULE.

Year and Chapter.	Title.	Extent of Repeal.
9 & 10 Vict. c. 95.	The County Courts Act, 1846.	Sections forty-eight and fifty to fifty-five, both inclusive.
29 & 30 Vict. c. 14.	The County Courts Act, 1866.	Section eight, except so far as it relates to money and securities for money, and section nine.
30 & 31 Vict. c. 142.	The County Courts Act, 1867.	Section eighteen.

County Courts (Buildings) Act.

A

BILL

To transfer to the Commissioners of Her Majesty's Works and Public Buildings the property in and control over the buildings and property of the County Courts in England, and for other purposes relating thereto.

(*Prepared and brought in by Mr. Ayrton and Mr. Stansfeld.*)

Ordered, by The House of Commons, *to be Printed,* 28 *March* 1870.

[Bill 91.]

Under 1 *oz.*

County of London Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

CLAUSES.

1. Short title.
2. Interpretation.

County of London.

3. Metropolis to form county of London.

Commission of Peace.

4. Under commission of peace for county of London justices to be resident.
5. Aldermen of London need not be qualified by estate.
6. Justices of county of London to have powers, &c. of justices of counties of Middlesex, &c.
7. Act not to prevent separate commissions of peace for city, &c.

Prisons.

8. County of London to have separate prison jurisdiction.
9. Prison authority of county of London.
10. Certicfiate of recorder of London sufficient for alteration, &c. of prisons.

Lunatic Asylums.

11. Application of Lunacy Acts to county of London.

Licensing Appeals.

12. Appeals under licensing Acts to lie to justices of county of London.

County Rate Appeals.

13. Appeals as to county rates to lie to justices of county of London.

Clerk of Peace.

Clauses.

14. Clerk of peace for city of London to become clerk of peace for county of London.
15. Clerk of peace for London to act for whole county when justices of London appointed.
16. Saving as to registration of county voters.
17. Justices of county of London to appoint clerk of peace for county.
18. Clerks of peace for city of London and metropolitan boroughs.

Treasurer.

19. Chamberlain of London to be treasurer.

Application of Acts.

20. Acts of Parliament as to justices, clerks of peace, and county treasurers to apply.
21. Application of savings, &c., to Metropolitan Corporation of London, &c.

Rates.

22. London county rates.
23. Metropolitan council to have powers of county justices as to county rates.
24. Members of metropolitan council not to have powers of county justices individually.
25. Disposal of county rates already ordered to be raised.

Property and Liabilities.

26. Property vested in clerk of peace for city of London to vest in metropolitan corporation.
27. Secretary of State to apportion county property between London, Middlesex, &c.
28. Remedies in case of neglect to account, &c. by county officers.
29. Compensation for property transferred.
30. Secretary of State may apportion mortgages on county rates.
31. Mortgagees may agree to accept security of London county rates.
32. Secretary of State to apportion county liabilities.

Existing Contracts, pending Actions, &c.

Clauses.

33. Existing contracts of city or county justices to be valid.

34. Actions, &c. by or on behalf of city or county justices, &c. to continue.

35. Decrees, &c. made and fines imposed to be enforced by or against corporation of London.

Administrative Proceedings.

36. Carrying on of administrative proceedings commenced by justices of Middlesex, &c.

Compensations.

37. Secretary of State may award that county officers are to be compensated by corporation of London.

Secretary of State.

38. Assistance to Secretary of State.

Arbitration.

39. Reference to arbitration.

Costs.

40. Costs of Act.

A

B I L L

FOR

Creating and regulating the County of London. A.D. 1870.

WHEREAS it is expedient that the metropolis be constituted a county of itself by the name of the county of London, and that provision be made respecting justices of the peace and county officers and other matters in and connected with the county of London:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as The County of London Act, 1870. Short title.

2. In this Act words have the same meaning as in The Metropolitan Corporation of London Act, 1870. Interpretation.

County of London.

3. The metropolis shall be a county of itself by the name of the county of London. Metropolis to form county of London.

Commission of Peace.

4. If Her Majesty is pleased to issue a commission of the peace for the county of London, every person assigned therein as a justice of the peace shall reside within the county of London, or within twenty-five miles of the Guildhall in the city of London, during such time as he acts as a justice of the peace in and for the county of London. Under commission of peace for county of London justices to be resident.

5. An alderman of London shall not be disqualified to act as a justice of the peace for the county of London by reason only that he has not the qualification by estate required by law in the case of justices of the peace for a county. Aldermen of London need not be qualified by estate.

6. On the issuing of a commission of the peace for the county of London, all jurisdictions, functions, powers, and authorities Justices of county of London to

A.D. 1870.

have powers, &c. of justices of counties of Middlesex, &c.

vested in or held by the justices of the peace for the counties of Middlesex, Surrey, and Kent, or any four, three, two, or one of them, (except police magistrates and commissioners of police,) and capable of being exercised in and for the metropolis or any part thereof, shall, in and for the county of London, subject to the provisions of this Act, be transferred to and become exclusively vested in the justices of the peace for the county of London, or any four, three, two, or one of them.

Act not to prevent separate commissions of peace for city, &c.

7. Nothing in this Act shall interfere with the exercise of Her Majesty's power of issuing a separate commission of the peace for the city of London, or for any metropolitan municipal borough.

Prisons.

County of London to have separate prison jurisdiction.

8. On the issuing of a commission of the peace for the county of London, the county of London shall, for the purposes of The Prison Act, 1865, and of Acts amending it, be a county having a separate prison jurisdiction, and all prisons situate in the county being under the prison jurisdiction of the county of Middlesex, Surrey, or Kent, or of the city of London, shall be transferred to and be under the separate prison jurisdiction of the county of London.

Prison authority of county of London.

9. The prison authority of the county of London shall be the justices of the county of London in quarter sessions assembled, except as respects provisions of The Prison Act, 1865, and of any Act amending it, relating to the enlargement and rebuilding of prisons, the purchase of land, and the disposal of unnecessary prisons, for all purposes of which provisions the metropolitan council of London shall be the prison authority of the county of London.

Certificate of recorder of London sufficient for alteration, &c. of prisons.

10. In the case of any proposed alteration, enlargement, or rebuilding of a prison, or of the proposed building of a new prison, within the prison jurisdiction of the county of London, the certificate of the recorder of London shall be sufficient within section twenty-four of The Prison Act, 1865.

Lunatic Asylums.

Application of Lunacy Acts, to County of London.

11. For the purposes of The Lunatic Asylums Act, 1853, and Acts amending it, the city of London and every metropolitan municipal borough shall be deemed to be boroughs annexed to the county of London, and the general or quarter sessions of the justices of the county of London shall be deemed to be the general or quarter sessions of that county intended by every such Act, except

as respects the raising of county rates, or of money on mortgage of county rates, for the purposes of any such Act, or the repayment thereof, in which respects the metropolitan council of London shall have and exercise all functions, powers, and authorities of justices of a county in general or quarter sessions assembled. A.D. 1870.

Licensing Appeals.

12. Where, under any Act authorizing the granting or transferring of any licences by the justices of the peace of a city, town corporate, or town, an appeal would lie from the act of a justice of the peace for the city of London, or for any metropolitan municipal borough, to the general or quarter sessions of the same, such appeal shall, on the issuing of a commission of the peace for the county of London, lie to the general or quarter sessions of the justices of the county of London, which shall be deemed to be in all respects the general or quarter sessions of the peace intended by every such Act. Appeals under licensing Acts to lie to justices of county of London.

County Rate Appeals.

13. Where, under any Act relating to county rates, or rates in the nature of county rates, an appeal would lie against any basis or standard of assessment for such rates to be levied within the county of London, or against any rate levied or proposed to be levied within that county, such appeal shall, on the issuing of a commission of the peace for the county of London, lie to the quarter sessions of the justices of the county of London, which, for the purposes of every such appeal, shall be deemed to be the quarter sessions mentioned by any such Act, and the justices of the county of London shall also have the power of appointing justices to fix and determine boundaries under any such Act. Appeals as to county rates to lie to justices of county of London.

Clerk of Peace.

14. The person who at the commencement of this Act is the clerk of the peace for the city of London shall become and be the clerk of the peace for the county of London, and (subject to the provisions of this Act) shall continue to have, fulfil, and exercise all functions, powers, and authorities heretofore had, fulfilled, and exercised by the clerk of the peace for the city of London. Clerk of peace for city of London to become clerk of peace for county of London.

15. From and after the issuing of a commission of the peace for the county of London, the person then clerk of the peace for the county of London shall, subject to the provisions of this Act, in addition to all other his functions, powers, and authorities under Clerk of peace for London to act for whole county when

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justices of London appointed.

this Act, have, fulfil, and exercise within the county of London all functions, powers, and authorities then vested in the clerks of the peace for the counties of Middlesex, Surrey, and Kent respectively, as far as they are capable of being fulfilled and exercised within the county of London, except such of them as are vested in a clerk of the peace for the city of London or for a metropolitan municipal borough.

Saving as to registration of county voters. 28 & 29 Vict. c. 36.

16. Provided, that the several clerks of the peace for the counties of Middlesex, Surrey, and Kent shall continue to have, fulfil, and exercise all functions, powers, and authorities vested in them by The County Voters Registration Act, 1865, or other Act relating to the registration of county voters, as respects any voters or claimants whose qualifying property, if any, is situate within the county of London.

Justices of county of London to appoint clerk of peace for county.

17. On the occurrence of any vacancy in the office of clerk of the peace for the county of London, after the issuing of a commission of the peace for the county of London, the justices for the county of London, and not the metropolitan council of London, shall from time to time appoint the clerk of the peace for the county of London.

Clerks of peace for city of London and metropolitan boroughs.

18. Provided, that nothing in this Act shall hinder the appointment from time to time of a clerk of the peace for the city of London or for any metropolitan municipal borough, to fulfil and exercise within the same the functions, powers, and authorities of a clerk of the peace of a municipal borough.

Treasurer.

Chamberlain of London to be treasurer.

19. From and after the issuing of a commission of the peace for the county of London, the chamberlain of London shall have and exercise within the county of London, in addition to any functions, powers, and authorities exercised by him as treasurer of the county of the city of London, all functions, powers, and authorities heretofore exercised within the county of London by the respective treasurers of the counties of Middlesex, Surrey, and Kent.

Application of Acts.

Acts of Parliament as to justices, clerks of peace, and county treasurers to apply.

20. Subject to the provisions of this Act, any Act relating to justices of the peace, or any four, three, two, or one of them, capable of taking effect within the metropolis, shall, in and for the county of London, apply to the justices of the county of London, or any four, three, two, or one of them; and any Act relating to the clerk of the peace of a county capable of taking effect within the metro-

polis shall, in and for the county of London, apply to the clerk of the peace for the county of London; and any Act relating to the treasurer of a county capable of taking effect within the metropolis shall, in and for the county of London, apply to the chamberlain of London. A.D. 1870.

Application of savings, &c. to metropolitan corporation of London, &c.

21. All savings and provisions in any other Act, saving and providing for the rights of the justices of the peace, or of the clerks of the peace or other officers of the county of the city of London, and the counties of Middlesex, Surrey, and Kent, or any of them, shall, as far as the same are applicable to the justices of the county of London or any of their officers, and are not inconsistent with this Act, continue and have effect in favour of and with reference to those justices and every such officer.

Rates.

London county rates.

22. County rates or rates in the nature of county rates may be levied within the whole of the county of London for any purposes for which county rates or rates in the nature of county rates may be levied in any county.

Metropolitan council to have powers of county justices as to county rates. 15 & 16 Vict. c. 81.

23. All functions, powers, and authorities, by the Act of the session of the fifteenth and sixteenth years of Her Majesty's reign (chapter eighty-one) "to consolidate and amend the statutes relating to the assessment and collection of county rates in England and Wales," or by any other Act, given to or vested in the justices of the peace of any county in general or quarter sessions assembled (except as respects any appeal against a basis or standard of county rate or against a rate, and as respects the appointing of justices to fix and determine boundaries), shall be vested in the metropolitan council of London; and all functions, powers, and authorities by any such Act given to or vested in a committee of justices appointed by justices in general or quarter sessions assembled shall be vested in a committee of members of that council of the like number as in any such Act is provided in the like case; and, subject as aforesaid, all provisions relating to county rates in any such Act shall apply to county rates in and for the county of London.

Members of metropolitan council not to have powers of county justices individually.

24. Provided, that nothing in this Act shall give to any member of the metropolitan council of London individually, or to any two or four of such members, any jurisdiction, power, or authority which by any Act relating to county rates is given to any justice or to any two or four justices.

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Disposal of county rates already ordered to be raised.

25. All county rates made before the commencement of this Act in respect of any rateable property within the county of London, and not then actually received, shall be received or levied by the proper officers of the respective counties by the justices of which the same have been made, as if this Act had not been passed; but all money received by every such officer in respect thereof shall, after payment thereout of his costs and expenses, be forthwith paid by him to the chamberlain of London.

Property and Liabilities.

Property vested in clerk of peace for city of London to vest in metropolitan corporation.

26. All real and personal property vested in the clerk of the peace for the county of the city of London as such shall, on the commencement of this Act, become and be vested in the metropolitan corporation of London, for all his estate and interest therein.

Secretary of State to apportion county property between London, Middlesex, &c.

27. The Secretary of State shall direct what property or proportion of property or money at the commencement of this Act vested in or in the hands of the respective clerks of the peace for and treasurers of the counties of Middlesex, Surrey, and Kent, as such, shall be transferred or set apart for the use of the county of London; and the same shall be transferred and set apart accordingly, and shall, from and after the date of such direction, become and be, by virtue of this Act, vested in the metropolitan corporation of London for all the estate and interest therein respectively of those several clerks of the peace and treasurers.

Remedies in case of neglect to account, &c. by county officers.

28. Any Act relating to refusal, neglect, or omission of a clerk of the peace for a county or a treasurer of a county to account for, give up, or pay, any property or money in his hands or under his control, shall apply to his refusal, neglect, or omission, to account for, give up, or pay, any property or money by or under this Act vested in the metropolitan corporation of London, or payable to any of their officers.

Compensation for property transferred.

29. The Secretary of State may, if he thinks fit, direct that a price or compensation be paid by the metropolitan corporation of London for any property transferred by or under this Act from a clerk of the peace or treasurer to the metropolitan corporation of London, and determine the amount thereof, and the person to whom and the time and manner at and in which the same, with such interest thereon, if any, as he thinks fit, is to be paid by that corporation, which amount and interest shall be a charge on the county rates of the county of London; and the clerk of the peace, treasurer, or other officer entitled to receive that amount and

interest shall have such remedy for the same against those rates as he would have if those rates had been duly mortgaged to him for that amount and interest.

Secretary of State may apportion mortgages on county rates.

30. The Secretary of State shall direct what proportion of any money raised by the justices of the peace for the counties of Middlesex, Surrey, and Kent respectively on the security of the county rates thereof remaining owing at the commencement of this Act is to be charged on and paid out of the county rates of the county of London.

The Secretary of State shall also specify the mortgages of rates or other securities to be thenceforth charged on the last-mentioned county rates; and every such mortgage or security shall thenceforth, as between the metropolitan corporation of London and the justices of those respective counties and the clerks of the peace for the same, become charged exclusively on the county rates for the county of London in like manner as it was before charged on the county rates of any of the same counties.

The chamberlain of London shall, days at least before any interest or principal in respect of any such mortgage or security becomes due, cause the amount thereof to be paid to the treasurer of the county on the county rates of which the same was before charged.

From the time when any such mortgage or security has so become exclusively charged on the county rates of the county of London those rates shall, as between the metropolitan corporation of London and the justices of the county on the county rates whereof the same was before charged, and the clerk of the peace for the same, stand absolutely free from, and shall be by those justices and clerk of the peace, as such, indemnified against, all other mortgages and securities on the county rates of that county, and from and against all actions, suits, damages, and expenses in respect of the same.

Mortgagees may agree to accept security of London county rates.

31. Provided, that any mortgagee of county rates whose mortgage becomes charged on the county rates of the county of London may, by writing, agree with the metropolitan corporation of London that the last-mentioned rates shall be his sole security, and thenceforth the chamberlain of London shall, out of those rates, pay the principal and interest secured thereby to him instead of to the treasurer of the county on the rates whereof the same were before charged, and the justices, clerk of the peace, and treasurer of that county shall be discharged from all obligation to pay the same; and any Act relating to mortgages of county rates which would have

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taken effect as between such mortgagee and such justices, clerk of the peace, and treasurer shall take effect as between him and the metropolitan corporation of London.

Secretary of State to apportion county liabilities.

32. The Secretary of State shall direct what charges and liabilities or what proportion of charges and liabilities (other than mortgages of county rates) to which any property at the commencement of this Act vested in the respective clerks of the peace for the counties of Middlesex, Surrey, and Kent, and any money then in the hands of the respective treasurers of those counties is subject, shall thenceforth be charged on, borne, and defrayed by the metropolitan corporation of London; and his direction in that behalf shall be effectual and conclusive to all intents, both by way of charge and by way of discharge, in favour of and against the metropolitan corporation of London, and the respective clerks of the peace and treasurers, and third parties; and every person for the time being entitled at law or in equity to the benefit of any charge or liability becoming exclusively charged on or to be borne and defrayed exclusively by the metropolitan corporation of London shall have in respect thereof the same remedies against that corporation and their property as, if this Act had not been passed, he would have had against the clerk of the peace or treasurer of any county, or any property or money vested in him or in his hands.

Existing Contracts, pending actions, &c.

Existing contracts of city or county justices to be valid.

33. All contracts and agreements made or entered into with or in favour of the justices of the city of London, or the clerk of the peace for that city, or with or in favour of the respective justices, clerks of the peace, treasurers, and other officers for the counties of Middlesex, Surrey, or Kent, before the issuing of a commission of the peace for the county of London, touching any property which by or under this Act is transferred to the metropolitan corporation of London, or touching any act or thing to be done within the county of London, shall remain as valid and effectual, and be proceeded on and enforced as if this Act had not been passed.

All money coming to the respective clerks of the peace for and treasurers of the same counties under any such contract or agreement which, if this Act had not been passed, would have become applicable for the purposes of any of the duties or powers by this Act transferred to the justices of the county of London or to the corporation of London, or any of their respective officers, shall be paid over to the chamberlain of London, and be applicable to the like purposes respectively.

All money and liabilities which the clerk of the peace for the city of London, or the clerk of the peace for or treasurer, or other officer of or for the same respective counties, would have been liable to pay or discharge under any such contract or agreement out of any rates to be levied within the county of London, and all costs, damages, and expenses which such clerk of the peace, treasurer, or other officer might, if this Act had not been passed, have legally defrayed out of any such rates, shall be paid out of the county rates of the county of London.

Actions, &c. by or on behalf of city or county justices, &c. to continue.

34. Any action, suit, prosecution, or other proceeding whatsoever commenced or carried on before or at the time of the issuing of a commission of the peace for the county of London in favour of or against the respective justices, clerks of the peace, treasurers, or other officers of or for the city of London or the counties of Middlesex, Surrey, or Kent respectively, touching any property by or under this Act transferred to the metropolitan corporation of London, or touching any matter or cause arising within the county of London, shall not abate or be discontinued or prejudicially affected by reason of this Act; but every such action, suit, prosecution, or proceeding shall continue and take effect in favour of or against the metropolitan corporation of London in the same manner in all respects as it would have continued and taken effect in favour of or against those justices, clerks of the peace, treasurers, or other officers respectively, if this Act had not been passed.

Decrees, &c. made and fines imposed to be enforced by or against corporation of London.

35. All decrees and orders made, and fines, amerciaments, and penalties imposed and incurred before the issuing of a commission of the peace for the county of London, in any action, suit, or proceeding by or on behalf of or against the justices, clerks of the peace, treasurers, or other officers of or for the city of London and counties of Middlesex, Surrey, and Kent respectively, touching any property by or under this Act transferred to the metropolitan corporation of London, or touching any matter or cause arising within the county of London, which, if the same had arisen after the issuing of such commission, would have concerned the justices of the county of London, or the clerk of the peace for the county of London, or the chamberlain of London, or any officer of the county of London, may be enforced, levied, recovered, and proceeded for by or on behalf of or against the metropolitan corporation of London.

Administrative Proceedings.

Carrying on of administrative proceedings

36. Administrative proceedings commenced within the county of London by the justices of the city of London and of the respective

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commenced by justices of Middlesex, &c.

counties of Middlesex, Surrey, or Kent before the issuing of a commission of the peace for the county of London may be continued and completed by the justices of the county of London or the metropolitan corporation of London, as the case requires.

Compensations.

Secretary of State may award that county officers are to be compensated by corporation of London.

37. The Secretary of State may, if he thinks fit, direct that any officers of the justices of the peace for the respective counties of Middlesex, Surrey, and Kent employed within the county of London whose offices are abolished, or who are removed from office in consequence of this Act, or who are not re-appointed to some office by the metropolitan corporation of London, be deemed officers entitled to compensation out of the funds of that corporation under The Metropolitan Corporation of London Act, 1870, and thereupon that Act shall operate accordingly.

Secretary of State.

Assistance to Secretary of State.

38. The Secretary of State may appoint and employ such persons as he thinks fit, to assist him in making any apportionment of liability or in executing any other duty imposed on him by this Act, and may fix the payments to be made to any such person for his services, and the amount so fixed shall be paid, under the direction of the Secretary of State, out of the county rates of the county of London, or out of the county rates of the counties of Middlesex, Surrey, and Kent, or any or either of them, or partly in one way and partly in the other.

Arbitration.

Reference to arbitration.

39. If any difference arises between or among two or more of the following parties, that is to say, the metropolitan corporation of London, the justices of the peace for the county of London, the justices of the peace for the counties of Middlesex, Surrey, and Kent respectively, and any of the officers of any of those counties, touching the construction or execution of this Act, the parties in difference may refer the same to arbitration; and the costs of every such reference shall be in the discretion of the referee; and the decision on the reference shall be final and binding to all intents on all bodies and persons.

Costs.

Costs of Act.

40. The costs, charges, and expenses of and preliminary and incidental to the preparing, applying for, obtaining, and passing of this Act shall be paid by the metropolitan corporation of London.

County of London.

A

BILL

For creating and regulating the County of London.

(*Prepared and brought in by Mr. Buxton and Mr. Thomas Hughes.*)

Ordered, by The House of Commons, *to be Printed,* 7 *March* 1870

[Bill 67.]

Under 2 *oz.*

A

B I L L

To amend the Procedure in the Court of Justiciary and other Criminal Courts in Scotland.

(*Not Printed.*)

[Bill 107.]

A

B I L L

TO

Confirm the Award under "The Curragh of Kildare Act, 1868," and for other purposes relating thereto. A.D. 1870.

WHEREAS by "The Curragh of Kildare Act, 1868," it was enacted that three commissioners should be appointed to ascertain and decide, amongst others, the following things; namely, 31 & 32 Vict. c. 60.

What (if any) rights of common of pasture, rights of way, or other rights (except the rights of the crown and public rights of way) exist in, over, or affecting the Curragh, or any part thereof, either by grant, charter, or prescription;

To what persons, and for what terms, estates, or interests, the rights aforesaid respectively belong;

What (if any) are the lands in respect of which the rights aforesaid respectively are exerciseable;

What (if any) compensation should be given to any party whose rights are or may be injuriously affected by the said Act; and

What (if any) public rights of way exist in, over, or affecting the Curragh or any part thereof:

And whereas Henry H. Joy, Esquire, one of Her Majesty's counsel, Alexander Stewart, Esquire, and Edmund A. Mansfield, Esquire, were duly appointed the Curragh Commissioners in manner provided by the said Act, and are hereafter referred to by the term "the Commissioners:"

And whereas the Commissioners, having given the necessary notices and taken the steps required by the said Act, proceeded in discharge of their duties as by the said Act directed, and in pursuance of the provisions of the said Act did hold meetings at such places and at such times as they considered most convenient for the accommodation of claimants and suitors, and did hold such a number of meetings in the neighbourhood of the Curragh as were sufficient for hearing local claimants:

And whereas, after hearing all claimants and suitors in manner by the said Act directed, the Commissioners did decide upon all claims made before them:

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And whereas no appeal was made by any claimant or objector admitted to be heard before the Commissioners:

And whereas the Commissioners thereupon, in manner by the said Act prescribed, did on the thirtieth day of June One thousand eight hundred and sixty-nine duly make their award in duplicate, which award is set forth in the schedule to this Act annexed, and did, in accordance with the provisions of the said Act, on the first day of July One thousand eight hundred and sixty-nine, present one part of the said award to the chief secretary to the Lord Lieutenant of Ireland, and did deposit the other part with the clerk of the peace for the county of Kildare, and did also publish a copy of such award once in each of three successive weeks next after the making thereof in the Dublin Gazette and in the Leinster Express, a newspaper circulating in the county of Kildare:

And whereas it is provided by the said Act that "the chief secretary to the Lord Lieutenant shall as soon as conveniently may be after the publication of the said award take all necessary steps for the confirmation of the same by Act of Parliament, and that previously to such confirmation the said award shall not be of any validity whatever:"

And whereas it is expedient that the said award should be so confirmed, and further provision made in relation thereto:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal and Commons, in this Parliament assembled, and by the authority of the same, as follows:

Award confirmed.

1. The award, a copy of which is set forth in the schedule to this Act annexed, is hereby confirmed, and made effectual to all intents and purposes, and shall be as binding and of the like force and effect as if the provisions of the same had been expressly enacted in this Act.

Map deposited with award at office of clerk of the peace to be deemed part of the award.

2. The map referred to in and deposited with the copy of the said award at the office of the clerk of the peace for the county of Kildare on the thirtieth day of June One thousand eight hundred and sixty-nine, showing the rights of way existing in, over, or affecting the Curragh, shall be deemed to be and shall form part of the said award.

Sheep only to be depastured.

3. No animal other than sheep shall at any time after the passing of this Act depasture on the Curragh, or be turned out to depasture thereon.

4. No sheep shall depasture on the Curragh, or be turned out to depasture thereon, unless they be respectively marked in a distinctive manner, and according to such regulations as the ranger may from time to time direct. Sheep to be marked.

5. It shall be lawful for the ranger of the Curragh, by and with the sanction of the Lords Commissioners of Her Majesty's Treasury, to appoint assistant bailiffs (not exceeding four in number) to assist the deputy ranger in the discharge of his duties, and for the protection of the said Curragh, *at such salaries and remuneration* as may be approved by the said Lords Commissioners of the Treasury. Power to appoint additional bailiffs.

6. The ranger of the Curragh shall, for the purpose of preventing the trespass of animals upon the Curragh, have and may exercise all the same rights as if he were the occupier of the same, and shall, for the purposes of section twenty of "The Summary Jurisdiction (Ireland) Act, 1851," be deemed to be the occupier of the Curragh. Ranger to have power of occupier in relation to trespasses.

7. This Act may be cited for all purposes as "The Curragh of Kildare Act, 1870." Short title.

SCHEDULE to which the foregoing Act refers.

"Curragh of Kildare Act, 1868."

AWARD OF COMMISSIONERS.

Whereas by an Act passed in the session of Parliament in the thirty-first and thirty-second years of Her present Majesty, intituled "An Act to make better provision for the management and use of the Curragh of Kildare," it is enacted that three commissioners should be appointed to ascertain and decide, amongst other things, the following, namely:—

What (if any) rights of common of pasture, rights of way, or other rights (except the rights of the Crown and public rights of way) exist in, over, or affecting the Curragh, or any part thereof, either by grant, charter, or prescription:

To what persons and for what terms, estates, or interests the rights aforesaid respectively belong:

What (if any) are the lands in respect of which the rights aforesaid respectively are exercisable:

What (if any) compensation should be given to any party whose rights are or may be injuriously affected by the said Act:

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We, the Commissioners duly appointed, having taken the necessary steps and given the notices required by the said Act, and having heard and examined the evidence, oral and documentary, produced before us, do make our award, as follows :—

We have in the first schedule hereunto annexed, to be taken and considered as part of this our award, stated the names of the several persons on whose behalf claims have been made before us under the said Act, the townlands (county of Kildare) in which the lands are respectively situate, and in respect of which the claims have been made, the substance of each claim lodged and brought before us, the compensation claimed (if any), and the terms, estates, or interests, and number of acres, Irish plantation measure, in respect of which such claims are made, with our allowance or disallowance, wholly or in part, of such claims respectively.

We find that no rights of persons legally claiming under the said Act are substantially altered, varied, or injuriously affected by the said Act, and, as a matter of fact on the evidence adduced before us, that no right to compensation has been established by any of the claimants, either in respect of the site of the camp, or the rifle-ground, or otherwise.

We further find that, from want of proper authority and neglect on the part of those having the care and management of the Curragh, numerous parties have, from time to time, without having any right so to do, pastured sheep on the Curragh, to the prejudice, loss, and injury of those parties who have acquired legal rights to pasture thereon. We find, from the evidence adduced before us, to such an extent has this taken place, that the pasturage of the Curragh has been rendered to a great extent useless, and that many of the persons whose claims to pasture are by this our award allowed have for many years past been deprived of the use of the pasturage on the Curragh, and it does not appear that the persons so deprived ever took any effective steps to remove those who so prejudicially interfered with the pasturage.

We further find that large quantities of sheep manure have been from time to time taken off the Curragh by divers parties without any right or privilege so to do; and that the removal of such manure has practically deteriorated the pasturage of the Curragh to a considerable extent.

We further find, on the evidence adduced before us, that the right of use of pasturage for any animals other than sheep is unsustained, and that the pasturage on the Curragh is adapted for sheep only (such pasturage being supplementary to the lands in respect of which same is by this our award allowed); and, for the benefit of those entitled to the enjoyment of pasturage on the Curragh, we award accordingly that such pasturage shall be confined to sheep.

We further award that all persons whose claims of right to the use of a well or pond on the Curragh are by this our award recognized and allowed shall respectively enjoy such right and access to such well and pond in the way and by the means particularly shown in and by a map or plan lodged by us with the clerk of the peace for the county of Kildare.

In pursuance of the provisions of the said Act, and to prevent in future the cutting up and injuring of the pasturage of the Curragh, we prescribe, award, and determine that the specific ways in respect of rights of way (other than

public rights of way) in, over, or affecting the Curragh, or any part thereof, shall be in the direction and lines particularly shown in and by the said map or plan so lodged by us in the office of the clerk of the peace for the said county of Kildare; such specific rights of way being those only which we have determined, and do hereby determine, as necessary and proper for convenience of the owners and occupiers of lands in respect of which such rights are exercisable; and we accordingly award that all rights of way (other than public rights of way) in, over, or affecting the Curragh shall, after this our award, be exercisable only in, along, or across the specific ways laid out on the said map; and that all ways (other than public ways, and herein-before referred to as such) in, over, or affecting the Curragh, except the specific ways aforesaid, shall be stopped up. A.D. 1870.

We further award that the tenants and occupiers of the lands in respect of which claims have been made and allowed by this our award are to be considered only as entitled to the common of pasture, rights of way, or other rights by this our award allowed, in right of their several landlords, and so long only as their interests as such tenants and occupiers respectively continue, and that such rights are not transferable apart from the occupation of the lands.

And we do by this our award ascertain and decide that the public rights of way existing in, over, or affecting the Curragh are those mentioned in the second schedule hereunto annexed, and to be taken as part of our award, and particularly shown in the said map.

We further award and determine that there are no other rights in or over the Curragh save those by this our award allowed.

In witness whereof we have this 30th day of June 1869 affixed our signatures hereto.

Henry H. Joy,
Alexander Stewart,
Edmund A. Mansfield,
} Curragh Commissioners.

First Schedule.

No. of claim—385. Name of claimant—James Twigg. Townlands—Athgarvan and Blackrath. Substance of rights and compensation (where any) claimed—Common of pasture. Term, estate, or interest, and number of acres (Irish) in respect of which claim made—Fee simple under a patent granting common of pasture on the Curragh—Blackrath, 247a. 0r. 16p.; Athgarvan, 153a. 3r. 4p.; total, 400a. 3r. 20p. Allowed (in respect of 372 a.) pasturage of sheep for tenants in occupation of claimant's lands, with reversion of said pasturage to claimant, not exceeding 372 sheep. Number of sheep allowed.

*241 Laurence Keegan, sen., Athgarvan and Blackrath; common of pasture; right of way; yearly tenant for 2a. 2r. Allowed pasturage of sheep in respect of 2a. Access to public road allowed, as shown by the map before referred to. 2 sheep allowed.

*329 Allen M'Donogh, Athgarvan and Blackrath; common of pasture; leaseholder, 36 a. Withdrawn.

* These holdings form part of 372a. in respect of which James Twigg's claim has been allowed.

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*353 Joseph R. and Thomas B. Reeves, Athgarvan and Blackrath; common of pasture; leaseholder, 305a. Allowed (in respect of 305a.) pasturage of sheep for tenants in occupation of claimants' lands, with reversion of said pasturage to claimants during their tenure; not exceeding 305 sheep.

*12 William Belford, Athgarvan and Blackrath; common of pasture; compensation for occupation of Curragh by camp; right of way; use of well on the Curragh; yearly tenant, 20a. Allowed pasturage of sheep in respect of 20a. Right of way disallowed. Use of well allowed by access, as shown by the map before referred to. 20 sheep allowed.

*29 Andrew Brady, Athgarvan and Blackrath; common of pasture; compensation for occupation of Curragh by camp; right of way; use of well and pond on the Curragh; yearly tenant, a house. Disallowed.

*172 Michael Gannon, Athgarvan and Blackrath; common of pasture; tenant at will, 2½a. Allowed pasturage of sheep in respect of 2a. 2 sheep allowed.

*234 Christopher Kenna, Athgarvan and Blackrath; common of pasture; tenant at will, 1½a. Allowed pasturage of sheep in respect of 1a. 1 sheep allowed.

*330 Allen M'Donogh, Athgarvan and Blackrath; common of pasture; under a lease for lives renewable for ever, 53a. Allowed pasturage of sheep in respect of 53 a. 53 sheep allowed.

*164 William Field, Athgarvan and Blackrath; common of pasture; house and garden. Disallowed.

*284 Henry Mullaly, Athgarvan and Blackrath; common of pasture; house and garden. Disallowed.

*38 Michael Byrne, Athgarvan and Blackrath; common of pasture; passage to well; right of water; yearly tenant, 1a. 0r. 30p. Withdrawn.

*45 John Buckley, Athgarvan and Blackrath; common of pasture; right of way; yearly tenant, 8a. Allowed pasturage of sheep in respect of 8a. 8 sheep allowed.

*69 Catherine Cooney, Athgarvan and Blackrath; common of pasture; tenant at will, 1a. 1r. Allowed pasturage of sheep in respect of 1a. 1 sheep allowed.

*116 Mary D'Arcy, Athgarvan and Blackrath; common of pasture; right of way; tenant at will, 8a. Allowed pasturage of sheep in respect of 8a. 8 sheep allowed.

*136 Christopher Egan, Athgarvan and Blackrath; common of pasture; yearly tenant, 7a. Allowed pasturage of sheep in respect of 7a. 7 sheep allowed.

*149 Maria Farrell, Athgarvan and Blackrath; common of pasture; right of way; tenant at will, 20a. Allowed pasturage of sheep in respect of 20a. 20 sheep allowed.

*160 Patrick Fleming, Athgarvan and Blackrath; common of pasture; right of way to public roads; yearly tenant, 6a. Allowed pasturage of sheep in respect of 6a. Way to public roads allowed, as shown by the map before referred to. 6 sheep allowed.

*162 Francis Fleming, Athgarvan and Blackrath; common of pasture; right of way through the Curragh; tenant at will, 16a. Allowed pasturage of sheep in respect of 16a. Right of way disallowed. 16 sheep allowed.

*167 Michael Houlaham, Athgarvan and Blackrath; place on Curragh for shoeing and hooping wheels; way from claimant's house to stables to shoe horses; freehold, 2r. Disallowed.

*170 John Geraty, Athgarvan and Blackrath; common of pasture; compensation for land taken by camp; right of way across Curragh to public roads; way to and use of well and pond on Curragh; yearly tenant, 6a. Allowed pasturage of sheep in respect of 6a. Compensation disallowed. Way to public roads,

* These holdings form part of the 372a. in respect of which James Twigg's claim has been allowed.

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use of well and pond allowed, as shown by the map before referred to. 6 sheep allowed.

*173 Edward Galaher, Athgarvan and Blackrath; same as above; yearly tenant, house and garden. Common of pasture disallowed. Compensation disallowed. Way to public roads, use of well and pond allowed, as shown by the map before referred to.

*191 Michael Hyland, Athgarvan and Blackrath; common of pasture; right of way through Curragh; yearly tenant, 8a. 2r. Allowed pasturage of sheep in respect of 8 a. Right of way disallowed. 8 sheep allowed.

*246 Thomas Keegan, Athgarvan and Blackrath; common of pasture; compensation for loss of depositing manure on Curragh; freehold cottage and garden. Disallowed.

*261 John Hill Linde, Athgarvan and Blackrath; common of pasture; lease for claimant's life, 157a. Allowed (in respect of 157a.) pasturage of sheep for tenants in occupation of claimant's lands, with reversion of said pasturage to claimant during his tenure, not exceeding 157 sheep. Compensation disallowed.

*262 Henry Eyre Linde, Athgarvan and Blackrath; common of pasture; assignee of lease for one life, aged 70 years; 46a. Allowed pasturage of sheep in respect of 46a. Compensation disallowed. 46 sheep allowed.

*275 Patrick Mooney, Athgarvan and Blackrath; common of pasture; yearly tenant, 7a. Allowed pasturage of sheep in respect of 7a. 7 sheep allowed.

*298 William Moran, Athgarvan and Blackrath; common of pasture; yearly tenant, 1a. 2r.; allowed pasturage of sheep in respect of 1a. 1 sheep allowed.

*299 Paul Moran, Athgarvan and Blackrath; common of pasture; yearly tenant, 2a.; Allowed pasturage of sheep in respect of 2a. 2 sheep allowed.

*351 John Power, Athgarvan and Blackrath; common of pasture; right of way through Curragh; yearly tenant, 7a. Allowed pasturage of sheep in respect of 7a. Right of way disallowed. 7 sheep allowed.

*398 Thomas Whyte, Athgarvan and Blackrath; common of pasture; yearly tenant, 30a. Allowed pasturage of sheep in respect of 30a. 30 sheep allowed.

*401 Martin Whelan, Athgarvan and Blackrath; common of pasture; yearly tenant, 12a. 3r. 12p.; allowed pasturage of sheep in respect of 12a. 12 sheep allowed.

*328 Allen M'Donogh, Athgarvan and Blackrath; common of pasture; fee simple, 1r. Claim withdrawn.

*368 Patrick Salmon, Athgarvan and Blackrath; common of pasture; right of way to a farm at Old Kilcullen; a freehold house. Disallowed.

*239 Laurence Keegan, jun., Athgarvan and Blackrath; common of pasture; in fee, house, 1 r. Disallowed.

213 Charles R. Joynt, Ballysax; common of pasture; fee farm, 1,111a. 0r. 33p. Allowed (in respect of 872a.) pasturage of sheep for tenants in occupation of claimant's lands, with reversion of said pasturage to claimant, not exceeding 872 sheep.

1 Richard Artary, Ballysax; common of pasture; yearly tenant, 48a. Allowed pasturage of sheep in respect of 47a. 47 sheep allowed.

11 Maurice Beahan, Ballysax; common of pasture; leaseholder for 87a. Allowed pasturage of sheep in respect of 87a; 87 sheep allowed.

27 John Brady, Ballysax; common of pasture; leaseholder for 14a.; yearly tenant for 3½a. Allowed pasturage of sheep in respect of 17a. 17 sheep allowed.

* These holdings form part of the 372a. in respect of which James Twigg's claim has been allowed.

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28 Laurence Brady, Ballysax, common of pasture; yearly tenant, 21a. 2r. 17p. Allowed pasturage of sheep in respect of 12a. under G. S. Meares, and 9a. under C. R. Joynt. 21 sheep allowed.

209 Patrick Ivery, Ballysax; common of pasture; yearly tenant; 11a.; right of way. Allowed pasturage of sheep in respect of 11a. 11 sheep allowed.

210 Patrick Ivery, Ballysax, common of pasture; yearly tenant: 4a. Allowed pasturage of sheep in respect of 4a. 4 sheep allowed.

211 Mary Ivery, Ballysax; common of pasture; yearly tenant, 12a. Allowed pasturage of sheep in respect of 12a. 12 sheep allowed.

308 Thomas Moore, Ballysax; common of pasture; leaseholder, 25a. Allowed pasturage of sheep in respect of 25a. 25 sheep allowed.

48 Maurice Burke, Ballysax; common of pasture; yearly tenant, 2a. 2r. 35p. Disallowed.

49 Laurence Cardiff, Ballysax; common of pasture; yearly tenant for part, 3a.; leaseholder for part, 5a. Disallowed.

50 Mathew Cardiff, Ballysax; common of pasture; compensation for land taken by camp; leaseholder for part; yearly tenant for part, 20a. Disallowed.

231 John Keane, Ballysax; common of pasture; leaseholder, 70a. 2r. 6p. Allowed pasturage of sheep in respect of 70a. 70 sheep allowed.

232 John Keane, Ballysax; common of pasture; leaseholder, 14a. 3r. Allowed pasturage of sheep in respect of 14a. 14 sheep allowed.

247 James Keenan, Ballysax; common of pasture; yearly tenant, 4a. 3r. 30p. Allowed pasturage of sheep in respect of 4a. 4 sheep allowed.

270 Michael Lawler, Ballysax; common of pasture; compensation for occupation of Curragh by camp; right of way across the Curragh; yearly tenant, 18a. Disallowed.

287 George S. Meares, Ballysax; common of pasture; compensation for land taken by camp; right of way across Curragh; leaseholder, 125a. 2r. Allowed pasturage of sheep in respect of 4a. formerly occupied by James Conlan. Allowed (in respect of 12a.) pasturage of sheep for tenant (claim No. 28) in occupation of claimant's lands, with reversion to claimant during his lease; not exceeding 12 sheep. Compensation disallowed. Right of way disallowed. 4 sheep allowed.

294 Lewis J. Moran, Ballysax, common of pasture, and compensation for land taken by camp, 180*l.*; leaseholder, 72a. Allowed pasturage of sheep in respect of 72a. Compensation disallowed. 72 sheep allowed.

293 John Moran, Ballysax; common of pasture; leaseholder, 71a. 3r. 16p. Allowed pasturage of sheep in respect of 71a. 71 sheep allowed.

295 Cornelius Moran, Ballysax; common of pasture; yearly tenant, 7a. 3r. 2p. Allowed pasturage of sheep in respect of 7a. 7 sheep allowed.

297 Patrick Moran, Ballysax; common of pasture; yearly tenant, 27a. Allowed pasturage of sheep in respect of 27 a. 27 sheep allowed.

5 James Beahan, Ballysax; common of pasture; leaseholder, 72a. 2r. 4p. Allowed pasturage for sheep in respect of 72a. 72 sheep allowed.

79 Paul Cullen, Ballysax; common of pasture; yearly tenant, 13a. Allowed pasturage of sheep in respect of 13a. 13 sheep allowed.

113 William Drake, Ballysax; common of pasture; right of way; yearly tenant, 7a. 2r. Disallowed.

193 Thompson Harrison, Ballysax; privilege of exercising and training racehorses on Curragh; leaseholder, 25a. Disallowed.

78 John Cullen, Ballysax; right of way. Withdrawn.

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208 Martin Ivery, Ballysax; common of pasture; right of way to road and well; privilege of shoeing wheels on the Curragh; yearly tenant, 1a. 2r. Disallowed.

379 Mary Toole, Ballysax; common of pasture; yearly tenant, 7a. Disallowed.

402 James Ward, Ballysax; common of pasture; yearly tenant, 1a. 3r. 27p. Allowed pasturage of sheep in respect of 1a. 1 sheep allowed.

290 John F. Meekin's, Ballysax; common of pasture; right of way from claimant's lands to public road; part held for lives renewable; part for shorter terms, 222a. Allowed pasturage of sheep in respect of 222a. in Ballysax. Access to public road allowed, as shown by the map before referred to. 222 sheep allowed.

400 Rev. George B. Wheeler, Ballysax, common of pasture; for life as rector and vicar of Ballysax. Glebe land, 19a. Disallowed.

25 Mrs. Adelaide Brennan, Ballysax; common of pasture; right of training forty-five horses on the Curragh; right of way; compensation for pasture, 200*l.*; compensation for training, 1,500*l.*; tenant for life under settlement of a lease for lives converted under Renewable Leasehold Conversion Act, 21a. Claim for pasturage disallowed. Right of training horses disallowed. Compensation disallowed.

77 John Cullen, Ballysax; common of pasture; leaseholder, 75a., under Robert Annesly Meekings. Allowed pasturage of sheep in respect of 75a. 75 sheep allowed.

350 Joseph Parker, Ballysax; common of pasture; occupier, 2a. Disallowed.

405 W. M. Woodroofe and J. L. Holmes, Ballysax; common of pasture; compensation for rights injuriously affected by Act; fee-farm, 93a. 0r. 30p. Withdrawn.

348 Peter De Pentheney O'Kelly, Ballysax; common of pasture; in fee under patent, 40a. Allowed (in respect of 40a.) pasturage of sheep for tenants (claims Nos. 77, 33, and 44) in occupation of claimant's lands, with reversion of said pasturage to claimant, not exceeding 40 sheep.

77 John Cullen, Ballysax; common of pasture; leaseholder, 16a. Allowed pasturage of sheep in respect of 13a. 13 sheep allowed.

33 Charles Byrne, Ballysax; right of way; leaseholder, 25a. Withdrawn in favour of landlord's claim. Allowed pasturage of sheep in respect of 25a. 25 sheep allowed.

44 John Byrne, Ballysax; right of way; leaseholder, 2a. Withdrawn in favour of landlord's claim. Allowed pasturage of sheep in respect of 2a. 2 sheep allowed.

83 Michael Conlan, Ballysax; common of pasture; yearly tenant, 6a. Disallowed.

393 John Walsh, Ballysax; common of pasture; freehold house and yard. Withdrawn.

76 Patrick Conroy, Ballysax; common of pasture; freehold house and garden. Withdrawn.

39 Thomas Byrne, Ballysax; common of pasture; yearly tenant. Disallowed.

20 Martin Boyle, Ballysax; common of pasture; right of exercising a horse; freehold cottage and yard. Disallowed.

331 John M'Gann, Ballysax; common of pasture; yearly tenant. Disallowed.

325 Laurence M'Dermott, Ballysax; common of pasture; freehold cottage and garden. Withdrawn.

285 James Murray, Ballysax; common of pasture; freehold. Withdrawn.

212 Anne Jackson, Ballysax; common of pasture; house and garden. Disallowed.

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63 Trustees and guardians of Lord Clifden, Brownstown; common of pasture; 5,000*l.* compensation for occupation of Curragh by camp, and obstruction of right of training horses on Curragh; fee, 603a. Allowed (in respect of 419a. pasturage of sheep for tenants in occupation of claimants' land), with reversion of said pasturage to claimants; not exceeding 419 sheep. Remainder of claim disallowed.

111 Laurence Donlevy, Brownstown; common of pasture; yearly tenant, 30a. Allowed pasturage of sheep in respect of 30a. 30 sheep allowed.

202 Denis Haslan, Brownstown; common of pasture; yearly tenant, 2a. 1r. 35p. Disallowed.

227 Michael Kelly, Brownstown; common of pasture; yearly tenant, 45a. Allowed pasturage of sheep in respect of 45a. 45 sheep allowed.

248 George Knox, Brownstown; common of pasture; 500*l.* compensation for injury to said right by the Curragh of Kildare Act, 1868; right to exercise 15 horses on Curragh, and 2,000*l.* compensation for injury to said right; yearly tenant, with agreement with agent for a lease, 63a. 2r. 30p. Allowed pasturage of sheep in respect of 63a. Remainder of claim disallowed. 63 sheep allowed.

118 Anne Dooney, Brownstown; common of pasture; compensation for occupation of Curragh by camp; right of way across Curragh to Newbridge; yearly tenant, 13a. Allowed pasturage of sheep in respect of 10a. Remainder of claim disallowed. 10 sheep allowed.

123 Martin Doogan, Brownstown; common of pasture; compensation for occupation of Curragh by camp; right of way across Curragh to Newbridge; yearly tenant, 2a. Disallowed.

124 Martha Dalton, Brownstown; common of pasture; compensation for occupation of Curragh by camp; right of way across Curragh; yearly tenant, 1a. Disallowed.

129 Daniel Dooney, Brownstown; common of pasture; compensation for occupation of Curragh by camp; right of way across Curragh; yearly tenant, 2a. 1r. 10p. Disallowed.

137 Frederick FitzGerald, Brownstown; common of pasture; freehold house and yard. Disallowed.

150 Nicholas Flood, Brownstown; common of pasture; compensation for occupation of Curragh by camp; right of way across the Curragh; yearly tenant, 1a. Disallowed.

154 William Flood, Brownstown; common of pasture; yearly tenant, 17a. 1r. 35p. Allowed pasturage of sheep in respect of 17a. 17 sheep allowed.

158 William Foran, Brownstown; common of pasture; right of way across Curragh; yearly tenant, house and garden. Disallowed.

161 John Fleming, Brownstown; common of pasture; right of way across Curragh; yearly tenant, house and garden. Disallowed.

178 Michael Grace, Brownstown; common of pasture; compensation for occupation of Curragh by camp; right of way across Curragh; yearly tenant, 6a. Disallowed.

199 Ellen Hannon, Brownstown; common of pasture; compensation for occupation of Curragh by camp; right of way across Curragh; yearly tenant, house and garden. Disallowed.

249 Patrick Kearey, Brownstown; common of pasture; yearly tenant, 74a. Allowed pasturage of sheep in respect of 74a. 74 sheep allowed.

339 Jane Owens, widow, Brownstown; common of pasture; yearly tenant, 18a. Disallowed.

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340. Jane Farrell, Brownstown; common of pasture; compensation for occupation of Curragh by camp; right of way; yearly tenant, 5a. Disallowed.

363 Thomas Shaw, Brownstown; common of pasture; yearly tenant, 25a. Disallowed.

380 Lawrence Toole, Brownstown; common of pasture; yearly tenant, 10a. 2r. Allowed pasturage of sheep in respect of 10a. 10 sheep allowed.

375 William Troy, Brownstown; common of pasture; compensation for occupation of Curragh by camp; yearly tenant, 1a. Disallowed.

376 William Troy, Brownstown; common of pasture; freehold house and premises. Disallowed.

144 Hannah Farrell, Brownstown; common of pasture; right of training and exercising horses on Curragh; yearly tenant, 12a. 3r. 27p. Disallowed.

13 Thomas Belford, Brownstown; common of pasture; yearly tenant, house and 1a. Disallowed.

24 Jane Bowen, Brownstown; common of pasture; leaseholder, 4a. Allowed pasturage of sheep in respect of 4a. 4 sheep allowed.

34 John Byrne, Brownstown; common of pasture; freehold cottage. Disallowed.

40 Garrett Byrne, Brownstown; common of pasture; yearly tenant, 6a. Allowed pasturage of sheep in respect of 6a. 6 sheep allowed.

41 Thomas Byrne, Brownstown; common of pasture; compensation for occupation of Curragh by camp; right of way across Curragh; compensation for being deprived of the sheep manure, value 30*l.* yearly; yearly tenant, house and 2r. Disallowed.

59 Simon Caffrey, Brownstown; common of pasture; compensation for occupation of Curragh by camp; right of way across Curragh; yearly tenant, 2a. Allowed pasturage of sheep in respect of 2a. Remainder of claim disallowed. 2 sheep allowed.

66 Michael Connolly, Brownstown; common of pasture; compensation for occupation of Curragh by camp, and injury sustained by the erection of sewage works; right of way across the Curragh; yearly tenant, 5a. Disallowed.

71 John Collis, Brownstown; common of pasture; compensation for occupation of Curragh by camp; right of training and exercising horses; right of way across Curragh; yearly tenant, 20a. Allowed pasturage of sheep in respect of 7a. Remainder of claim disallowed. 7 sheep allowed.

83 Michael Conlan, Brownstown; common of pasture; yearly tenant, 8a. Allowed pasturage of sheep in respect of 8a. 8 sheep allowed.

105 Mathew Doyle, Brownstown; common of pasture; compensation for occupation of Curragh by camp; right of way across Curragh; yearly tenant, 4a. Disallowed.

110 James Dowling, Brownstown; common of pasture; right of collecting and depositing sheep manure on Curragh; freehold house and yard. Disallowed.

201 Henry Hart, Brownstown; common of pasture; compensation for occupation of Curragh by camp; right of way across Curragh; yearly tenant, house and garden. Disallowed.

203 Catherine Hyland, Brownstown; common of pasture; yearly tenant, 100a. Allowed pasturage of sheep in respect of 100a. 100 sheep allowed.

207 James Igoe, Brownstown; common of pasture; right of passage across Curragh; yearly tenant, 1a. 3r. 16p. Disallowed.

263 Ellen Lynch, Brownstown; common of pasture; compensation for occupation of Curragh by camp; right of way across Curragh; freehold house. Disallowed.

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278 Patrick Mahon, Brownstown; common of pasture; compensation for occupation of Curragh by camp; right of way across Curragh; yearly tenant, house and garden. Disallowed.

282 Thomas Millar, Brownstown; common of pasture; compensation for occupation of Curragh by camp; right of way across Curragh; yearly tenant, house and garden. Disallowed.

283 Mary Monaghan, Brownstown; common of pasture; compensation for occupation of Curragh by camp; right of way across Curragh; compensation for injury sustained by erection of sewage works in the vicinity of her stables; yearly tenant, 4a. Disallowed.

315 Mary Moore, Brownstown; common of pasture; compensation for occupation of Curragh by camp; right of way across Curragh; yearly tenant, 1a. Disallowed.

324 James Murphy, Brownstown; common of pasture; leaseholder and yearly tenant, 45a. Disallowed.

332 Edward M'Donnell, Brownstown; common of pasture; compensation for occupation of Curragh by camp; right of way across Curragh; yearly tenant, 4a. Disallowed.

352 Ellen Perry, Brownstown; same as above; yearly tenant, 6a. Allowed pasturage of sheep in respect of 6a. Remainder of claim disallowed. 6 sheep allowed.

80 Michael Clancy, Brownstown; common of pasture; compensation for occupation of Curragh by camp, and injuries by sewerage; yearly tenant, 37a. Allowed pasturage of sheep in respect of 37a. Remainder of claim disallowed. 37 sheep allowed.

230 The Dean and Chapter of St. Bridget, Kildare; Collicknock (including Gorteen and Glanbrettas) and Carna; common of pasture; owners in fee as an ecclesiastical corporation, Collicknock, &c., 77a; Carna, &c., 110a; total, 187a. Allowed (in respect of 174a) pasturage of sheep for tenants in occupation of claimants' lands, with reversion of said pasturage to claimants, not exceeding 174 sheep.

†67 Patrick Connolly, Collicknock; common of pasture; leaseholder, 9a. 3r. 30p. Allowed pasturage of sheep in respect of 9a. 9 sheep allowed.

†92 Michael Dunne, Collicknock; common of pasture; leaseholder, 32a. 1r. 30p. Allowed pasturage of sheep in respect of 32a. 32 sheep allowed.

†93 Michael Dunne, Collicknock; common of pasture, right of way, and use of water on the Curragh; leaseholder, 32a. 1r. 30p. Withdrawn.

†99 Patrick Dunne, Collicknock; common of pasture; leaseholder, 5a. 2r. Disallowed.

†102 Martin Dunne, Collicknock; common of pasture; leaseholder, 13a. 0r. 25p.; allowed pasturage of sheep in respect of 13a. 13 sheep allowed.

†91 Martin Dunne, Collicknock; common of pasture; leaseholder, 14a. Withdrawn.

†169 James Grattan, Collicknock; common of pasture; leaseholder, 16a. Allowed pasturage of sheep in respect of 16a. 16 sheep allowed.

†94*a* Charles Dunne, Collicknock; common of pasture; leaseholder, 9a. Allowed pasturage of sheep in respect of 9a. 9 sheep allowed.

†96 Patrick Dunne, Collicknock; common of pasture; leaseholder, 5a. 2r. Withdrawn.

†114 Patrick Doucey, Collicknock; common of pasture; right of training horses on Curragh; yearly tenant, 3a. 3r. Withdrawn.

† These form part of the above 187a.

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†115 Patrick Doucey, Collicknock; common of pasture; right of way across Curragh; right of training horses on Curragh; yearly tenant, 4a. Withdrawn.

†343 William Orford, Carna; common of pasture; right of way across Curragh; yearly tenant, 90a. Disallowed.

†2 Christopher Bagot, Carna; common of pasture; leaseholder, 110a. Allowed (in respect of 95a.) pasturage of sheep for tenants (claims Nos. 42 and 180) in occupation of claimant's lands, with reversion of said pasturage to claimant during his lease, not exceeding 95 sheep.

†42 John Byrne, Carna; common of pasture; tenant at will, 60a. Allowed pasturage of sheep in respect of 60a. 60 sheep allowed.

†180 Thomas Grady, Carna; common of pasture; tenant at will, 35a. Allowed pasturage of sheep in respect of 35a. 35 sheep allowed.

‡65 Nicholas Colton, Bishop's land; common of pasture; yearly tenant, 8a. Allowed pasturage of sheep in respect of 8a. 8 sheep allowed.

‡372 Daniel Trainer, Bishop's land; common of pasture; yearly tenant, 2a. Disallowed.

‡32 Henry Brereton, Bishop's land; common of pasture; yearly tenant, 4a. Allowed pasturage of sheep in respect of 4a. 4 sheep allowed.

‡168 James Grattan, ————; common of pasture; yearly tenant, 12a. 3r. 34p. Allowed pasturage of sheep in respect of 12a. 12 sheep allowed.

‡67 Patrick Connolly, Kildare lands; common of pasture; leaseholder, 25a. 3r. 39p. Allowed pasturage of sheep in respect of 25a. 25 sheep allowed.

‡4 Patrick Bartley, Rahilla; common of pasture; yearly tenant, 9a. 1r. 20p. Claim withdrawn.

‡100 John Dunne, Rahilla and Crocanure Glebe; common of pasture; yearly tenant, Rahilla, 37a., Crocanure Glebe, 18a.; total, 55a. Allowed pasturage of sheep in respect of 55a. 55 sheep allowed.

‡204 Mary Hughes, Rahilla; common of pasture; tenant at will, 39a. 3r. 17p. Allowed pasturage of sheep in respect of 39a. 39 sheep allowed.

‡85 James Conlan, Rahilla; common of pasture; tenant at will, 40a. Allowed pasturage of sheep in respect of 40a. 40 sheep allowed.

18 Sir Erasmus Dixon Borrowes, Grey Abbey and White Abbey; common of pasture; owner in fee under a patent granting commonage on Curragh, Grey Abbey, 103a., White Abbey, 3a.; total, 106a. Allowed (in respect of 103a. of Grey Abbey) pasturage of sheep. Allowed (in respect of 3a. of White Abbey) pasturage of sheep for his tenant (claim No. 94) in occupation of said land, with reversion of said pasturage to claimant, not exceeding 3 sheep. 103 sheep allowed.

94 Charles Dunne, White Abbey; common of pasture; yearly tenant of Sir Erasmus Borrowes, Bart., 3a. Allowed pasturage of sheep in respect of 3a. 3 sheep allowed.

388 Charles Colthurst Vesey, Cornelscourt; common of pasture; owner in fee. 143a. 3r. 29p. Allowed (in respect of 87a.) pasturage of sheep for tenants (claims Nos. 23 and 362) in occupation of claimant's lands, with reversion of said pasturage to claimant, not exceeding 87 sheep.

23 John Boland, Cornelscourt; common of pasture; yearly tenant under C. C. Vesey, 21a. 1r. 19p. Withdrawn in favour of landlord. Allowed pasturage of sheep in respect of 21a. 21 sheep allowed.

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† These form part of the above 187a. ‡ Ecclesiastical Commissioners owners in fee.

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362 James Sex, Cornelscourt; common of pasture; yearly tenant under C. C. Vesey, 66a. Withdrawn in favour of landlord. Allowed pasturage of sheep in respect of 66a. 66 sheep allowed.

389 Charles Colthurst Vesey, Clongounagh; common of pasture; owner in fee, 30a. 1r. Allowed (in respect of 30a.) pasturage of sheep for the tenant (claim No. 366) in occupation of claimant's lands, with reversion of said pasturage to claimant; not exceeding 30 sheep.

366 Thomas Sullivan and John Sullivan, Clongounagh; common of pasture; yearly tenant of C. C. Vesey, 30a. 1r. Withdrawn in favour of landlord. Allowed pasturage of sheep in respect of 30a. 30 sheep allowed.

390 Charles Colthurst Vesey, Hawkfield; common of pasture for self and tenants; owner in fee, 227a. 2r. 32p. Allowed (in respect of 65a.) pasturage of sheep for tenants (claims Nos. 74 and 98) in occupation of claimant's lands, with reversion of said pasturage to claimant; not exceeding 65 sheep.

74 Patrick Connor, Hawkfield; common of pasture; yearly tenant of C. C. Vesey, 20a. 1r. 19p. Withdrawn in favour of landlord. Allowed pasturage of sheep in respect of 20a. 20 sheep allowed.

98 Patrick Dunne, Hawkfield; common of pasture; yearly tenant of C. C. Vesey, 45a. 2r. 29p. Withdrawn in favour of landlord. Allowed pasturage of sheep in respect of 45a. 45 sheep allowed.

101 Thomas Dunne, Hawkfield; common of pasture; yearly tenant of C. C. Vesey, 20a. 3r. 38p. Disallowed.

391 Charles Colthurst Vesey, Piercetown; common of pasture for self and tenants; owner in fee, 81a. Irish. Disallowed.

392 Charles Colthurst Vesey, Rickardstown; common of pasture for self and tenants; owner in fee, 34a. 2r. 37p. Disallowed.

386 Charles Colthurst Vesey, Rosberry; common of pasture for self and tenants; owner in fee, 368a. 0r. 28p. Allowed (in respect of 177a.) pasturage of sheep for tenants (claims Nos. 152, 143, 182, 184, and 371) in occupation of claimant's lands, with reversion of said pasturage to claimant, not exceeding 177 sheep.

152 Edward Flood, Rosberry; common of pasture; leaseholder under C. C. Vesey, 40a. 2r. 38p. Withdrawn in favour of landlord. Allowed pasturage of sheep in respect of 40a. 40 sheep allowed.

143 John Farrell, Rosberry; common of pasture; leaseholder, 28a. Withdrawn in favour of landlord. Allowed pasturage of sheep in respect of 28a. 28 sheep allowed.

182 Patrick Grady, jun., Rosberry; common of pasture; leaseholder, 67a. 2r. 34p. Withdrawn in favour of landlord. Allowed pasturage of sheep in respect of 67a. 67 sheep allowed.

184 Patrick Grady, sen., Rosberry; common of pasture; leaseholder, 17a. 1r. 5p. Withdrawn in favour of landlord. Allowed pasturage of sheep in respect of 17a. 17 sheep allowed.

181 Richard Grady, Rosberry; common of pasture; leaseholder, 11a. Disallowed.

371 Edward Tierney, Rosberry; common of pasture; leaseholder, 25a. 1r. 9p. Withdrawn in favour of landlord. Allowed pasturage of sheep in respect of 25a. 25 sheep allowed.

387 Charles Colthurst Vesey, Scarletstown; common of pasture for self and tenants; owner in fee, 74a. 3r. 31p. Allowed (in respect of 38a.) pasturage of sheep for the tenant (claim No. 141) in occupation of claimant's lands, with reversion of said pasturage to claimant, not exceeding 38 sheep.

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141 Denis Farrell, Scarletstown; common of pasture; leaseholder under C. C. Vesey, 38a. 1r. 3p. Allowed pasturage of sheep in respect of 38a. 38 sheep allowed.

148 Thady Farrell, Scarletstown; common of pasture; leaseholder, 33a. 2r. 36p. Disallowed.

309 Reps. Henry E. Moore, Moorefield; common of pasture; right of way from the road leading from Uncle Tom's Cabin to the camp to the dwelling-house and offices situate on Ballymanny, and called Lumville; in fee, 250a. Allowed (in respect of 53a.) pasturage of sheep for tenant (claim No. 104) in occupation of claimant's land, with reversion of said pasturage to claimant, not exceeding 53 sheep. Right of way "as claimed" allowed, as shown by the map before referred to.

104 Patrick Doyle, Moorefield; common of pasture; leaseholder as to part; yearly tenant as to part, 53a. 1r. 24p., under Reps. Henry E. Moore. Allowed pasturage of sheep in respect of 53a. 53 sheep allowed.

19 William Hawker Bourne, Moorefield; common of pasture; leaseholder, 14a. 3r. Disallowed.

48*a* George Burdett, Ballymanny; common of pasture; in fee, 315a. Allowed (in respect of 205a.) pasturage of sheep for tenants (claims Nos. 165, 233, and 358,) in occupation of claimant's lands, with reversion of said pasturage to claimant, not exceeding 205 sheep.

378 Mary Toole, Ballymanny; common of pasture; compensation for loss of sheep manure; tenant at will, 2½a. Disallowed.

62 Charles Canavan, Ballymanny; common of pasture; freehold house and 2r. Disallowed.

165 James Flanagan, Ballymanny; common of pasture; yearly tenant, 67a. Allowed pasturage of sheep in respect of 67a. 67 sheep allowed.

233 Thomas Keenan, Ballymanny; common of pasture; leaseholder, 20a. Allowed pasturage of sheep in respect of 20a. 20 sheep allowed.

310 Representatives of the late Henry E. Moore, Ballymanny; common of pasture; leaseholder, 107a. Disallowed.

319 Michael Murphy, Ballymanny; common of pasture; leaseholder, 27a. 2r. Disallowed.

358 William Ryan, Ballymanny; common of pasture; yearly tenant, 118a. Allowed pasturage of sheep in respect of 118a. 118 sheep allowed.

250 Elizabeth M. Kennedy, Ellen Kennedy, and Annie Kennedy, spinsters; Ballyshannon; right of way across Curragh. Disallowed.

349 Eyre Powell, Great Connell; common of pasture; tenant for life under settlement of the fee, under letters patent granting commonage on Curragh, 780a. Allowed pasturage of sheep in respect of 600a., and allowed in respect of 146a. pasturage of sheep for tenants (claims Nos. 179 and 145) in occupation of claimant's lands, with reversion of said pasturage to claimant, not exceeding 146 sheep. 600 sheep allowed.

179 Francis Douglas Gray, Great Connell; common of pasture; leaseholder under Eyre Powell, 101a. 2r. 37p. Allowed pasturage of sheep in respect of 96a. 96 sheep allowed.

145 Patrick Farrell, Great Connell; common of pasture; yearly tenant under Eyre Powell, 50a. Allowed pasturage of sheep in respect of 50a. 50 sheep allowed.

22 William Bobbett, on behalf of himself and of the owner in fee of Great Connell; common of pasture; leaseholder, 170a. Allowed pasturage of sheep in respect of 170a. 170 sheep allowed.

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324a George Patrick Lattin Mansfield and George Mansfield (his son), Old Connell, common of pasture; in fee under letters patent granting commonage on the Curragh, 63a. Allowed pasturage of sheep in respect of 63a. 63 sheep allowed.

348 Peter de P. O'Kelly, Little Connell; common of pasture; in fee, under letters patent granting commonage on the Curragh, 37a. Allowed pasturage of sheep (in respect of 37a.) for tenant in occupation of claimant's lands, with reversion of said pasturage to claimant. 37 sheep allowed.

272. Francis Leigh and Francis Charles Leigh, Friarstown; common of pasture; in fee, 295a. 1r. 32p. Allowed (in respect of 159a.) pasturage of sheep for tenants (claims Nos. 307, 311, 32, 72, 97, 206, and 235,) in occupation of claimant's lands, with reversion of said pasturage to claimant, not exceeding 159 sheep.

304. John Moore, Friarstown; common of pasture; leaseholder under Francis Leigh and Francis C. Leigh, 6a. Withdrawn.

307. Edward Moore, Friarstown; common of pasture; right of way over Curragh; yearly tenant under same, 12a. 2r. Allowed pasturage of sheep in respect of 12a. Right of way disallowed. 12 sheep allowed.

311. Edward Moore, Friarstown; common of pasture; leaseholder under same, 30a. 3r. 10p. Allowed pasturage of sheep in respect of 30a. 30 sheep allowed.

317. Peter Murphy, Friarstown; common of pasture; leaseholder under same, 5a. Disallowed.

405*a*. Anne Wynne, Friarstown; common of pasture; yearly tenant under same, 19a. Disallowed.

32. Henry Brereton, Friarstown; common of pasture; leaseholder under same, 82a. 2r. 25p. Allowed pasturage of sheep in respect of 82a. 82 sheep allowed.

72. John Cronley, Friarstown; common of pasture; leaseholder under same, 24a. Allowed pasturage of sheep in respect of 24a. 24 sheep allowed.

97. Patrick Dunne, Friarstown; common of pasture; leaseholder under same, 5a. Allowed pasturage of sheep in respect of 5a. 5 sheep allowed.

140. Edward Farrell, Friarstown; common of pasture; leaseholder under same, 11a. 2r. Disallowed.

206. Edward Hogarty, Friarstown; common of pasture; yearly tenant under Francis Leigh, 2a. 2r. And 1a. 2r. under Henry Brierton. Allowed pasturage of sheep in respect of 4a. 4 sheep allowed.

219. Joseph Kelly, Friarstown; common of pasture; leaseholder under F. and C. Leigh, 61a. Disallowed.

235 William Kavanagh, Friarstown; common of pasture; leaseholder under same, 2a. 2r. Allowed pasturage of sheep in respect of 2a. 2 sheep allowed.

237 Michael Keegan, Friarstown; common of pasture; leaseholder 18a. Disallowed.

322 Lawrence Murphy, Clogarrett (Little); common of pasture; right of way across Curragh; yearly tenant 10a. Disallowed.

359 Charles Ryan, on behalf of his tenant, Stephen Conlan, Crodenstown; common of pasture; held in fee 27a. Allowed pasturage of sheep in respect of 27a. for claimant's tenant, with reversion of said pasturage to claimant. 27 sheep allowed.

189 John Healy, Kilmeague and Ballyteague; common of pasture; freehold 140a. Disallowed.

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131 James Dunney, on behalf of himself and of Mrs. M'Gann, owner in fee, Newtown, Suncroft; common of pasture; leaseholder, 50a. Allowed pasturage of sheep in respect of 50a., with reversion of said pasturage to the owner in fee. 50 sheep allowed.

15 Patrick Birmingham, on behalf of himself and Robert Higginson Borrowes, owner in fee, Mooretown Castle; common of pasture; yearly tenant, 24a. 3r. Allowed pasturage of sheep in respect of 24a., with reversion of said pasturage to the owner in fee. 24 sheep allowed.

43 Denis Byrne, Mooretown Castle; common of pasture; yearly tenant, 40a. Disallowed.

377 Moses Taylor, on behalf of himself and of James Egan, owner in fee, Morristown Biller; common of pasture; leaseholder, 188a. 2r. 17p. Allowed pasturage of sheep in respect of 160a. Allowed (in respect of 23a.) pasturage of sheep for tenant (claim No. 145) in occupation of claimant's land, with reversion of said pasturage to claimant during his lease; with reversion in respect of 183a. to the owner in fee; not exceeding 183 sheep. 160 sheep allowed.

145 Patrick Farrell, Morristown Biller; common of pasture; yearly tenant, 23a. Allowed pasturage of sheep in respect of 23a. 23 sheep allowed.

229 Colonel Thomas C. Kelly, Loughbrowne; common of pasture; in fee, 115a. 0r. 6p. Allowed in respect of 95a. pasturage of sheep for tenants (claims Nos. 100 and 145) in occupation of claimant's lands, with reversion of said pasturage to claimant. Not exceeding 95 sheep.

100 John Dunne, Loughbrowne; common of pasture; leaseholder and yearly tenant under Colonel T. C. Kelly. 50a.; allowed pasturage of sheep in respect of 50a. 50 sheep allowed.

145 Patrick Farrell, Loughbrowne; common of pasture; leaseholder under same 45a. 2r. 38p. Allowed pasturage of sheep in respect of 45a. 45 sheep allowed.

238 Laurence Keegan, jun., Loughbrowne; common of pasture; right of training horses on Curragh; right of way across Curragh; yearly tenant, 3a. Disallowed.

243 Phelam Keegan, Loughbrowne; common of pasture; yearly tenant, 1a. Disallowed.

16 St. John Thomas Blacker, Kinnea; common of pasture; fee farm, 276a. 3r. 14p. Allowed in respect of 24a. pasturage of sheep for tenant in occupation of claimant's lands (claim No. 394), with reversion of said pasturage to claimant. Not exceeding 24 sheep.

226 Michael Kelly, Kinnea; common of pasture; compensation for land taken by camp; right of way across the Curragh; use of well and pond on Curragh; yearly tenant, 1a. 0r. 5p. Allowed access to well and pond, as shown by the map before referred to. Remainder of claim disallowed.

288 Thomas Mullread, Kinnea; common of pasture; compensation for land taken by camp; right of way across the Curragh, use of well and pond on Curragh; yearly tenant of house and garden. Allowed access to well and pond, as shown by the map before referred to. Remainder of claim disallowed.

289 John Moir, Kinnea; common of pasture; leaseholder, 150a. Disallowed.

351 John Power, Kinnea; common of pasture; right of way across Curragh; yearly tenant, 6a. Disallowed.

354 Alexander Ritchie, Kinnea; common of pasture; leaseholder, 50a. Disallowed.

394 Margaret Walsh, Kinnea; common of pasture; right of way to public road; use of well and pond on Curragh; 100*l.* compensation for land taken in by

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camp; yearly tenant under St. John Thomas Blacker, 24a. Allowed pasturage of sheep in respect of 24a. Allowed access to well and pond and right of way to public road, as shown by the map before referred to. Remainder of claim disallowed. 24 sheep allowed.

369 James Tobin, Kinnea; common of pasture; right of way across Curragh; yearly tenant, 3a. 3r. 13p. Disallowed.

291 John F. Meekins, Knockawlin; common of pasture; right of way from his boundary to public road; in fee, 182a. 0r. 32p. Allowed, in respect of 171a., pasturage of sheep for tenants (claims Nos. 342 and 403) in occupation of claimant's lands, with reversion of said pasturage to claimant; not exceeding 171 sheep. Access to public road allowed, as shown by the map before referred to.

342 William Orford, sen., Knockawlin; common of pasture; right of way to public road; leaseholder under J. F. Meekings, 64a. Allowed pasturage of sheep in respect of 64a. Access to public road allowed, as shown by the map before referred to. 64 sheep allowed.

355 Patrick Ronan, Knockawlin; common of pasture; right of way, &c.; freehold cabin. Withdrawn.

403 Michael Waters, Knockawlin; common of pasture; leaseholder under J. F. Meekings, 107a. Allowed pasturage of sheep in respect of 107a. 107 sheep allowed.

64 William Cooke, Knockawlin; common of pasture; freehold. Disallowed.

245 James Keegan, Knockawlin; common of pasture; leaseholder, 11a. Disallowed.

325 Laurence M'Dermott, Knockawlin; common of pasture; freehold cottage and garden. Withdrawn.

17 Sir Erasmus Dixon Borrowes, Bart., Strawhall; common of pasture; in fee, 40a. Allowed in respect of 25a. pasturage of sheep for tenant (claim No. 120) in occupation of claimant's land, with reversion of said pasturage to the owner in fee. Not exceeding 25 sheep.

122 Augustine Davies, Strawhall; common of pasture; leaseholder, 29a. Withdrawn.

120 Rev. Francis Davies, Strawhall; common of pasture; leasehold, 25a. Allowed pasturage of sheep in respect of 25a. 25 sheep allowed.

367 Robert Ball Steele and Robert Ball Steele, his eldest son, Rathbride (Newtown and Rolickstown); common of pasture; in fee settlement, 1,100a. Allowed (in respect of 700a.) pasturage of sheep for tenants in occupation of claimant's lands, with reversion of said pasturage to claimants. Not exceeding 700 sheep.

8 Richard Beahan, Rathbride; common of pasture; compensation for loss of sheep manure; tenant at will under R. B. Steele, 2a. Disallowed.

14 William Bergin, Rathbride; common of pasture; right of way across Curragh; tenant at will under R. B. Steele, 21a. Disallowed.

54 Patrick Cleary, Rathbride; common of pasture; right of way across Curragh; yearly tenant under R. B. Steele, 64a. Allowed pasturage of sheep in respect of 64a. Right of way disallowed. 64 sheep allowed.

72 John Cronley, Rathbride; common of pasture; right of way across Curragh; tenant at will under R. B. Steele, 8a. 2r. Allowed pasturage of sheep in respect of 8a. Right of way disallowed. 8 sheep allowed.

89 Alice Cleary, Rathbride; common of pasture; right of way on the Curragh; yearly tenant under R. B. Steele, 75a. Allowed pasturage of sheep in respect of 75a. Remainder of claim disallowed. 75 sheep allowed.

108 Michael Dowling, Rathbride; common of pasture; tenant at will under

R. B. Steele, 54a. Allowed pasturage of sheep in respect of 54a. 54 sheep allowed.

128 Thomas Dennell, Rathbride; common of pasture; yearly tenant under R. B. Steele, 51a. Allowed pasturage of sheep in respect of 51a. 51 sheep allowed.

216 Thomas Kelly, Rathbride; common of pasture; yearly tenant, 47a., leaseholder 15a., total 62a. Allowed pasturage of sheep in respect of 62a. 62 sheep allowed.

220 Richard Kelly, Rathbride; common of pasture; yearly tenant under R. B. Steele, 80a. Allowed pasturage of sheep in respect of 80a. 80 sheep allowed.

222 Bartholomew Kelly, Rathbride; common of pasture; yearly tenant under R. B. Steele, 9a. Allowed pasturage of sheep in respect of 9a. 9 sheep allowed.

225 Michael Kelly, Rathbride; common of pasture; yearly tenant under R. B. Steele, 36a. Withdrawn.

300 Patrick Moore, Rathbride; common of pasture; yearly tenant of Mrs. Mary Anne Orford, under R. B. Steele, 7a. Allowed pasturage of sheep in respect of 7a. 7 sheep allowed.

306 John Moore, Rathbride; common of pasture; right of way across Curragh; right of watering cattle; compensation 100*l.*; yearly tenant, R. B. Steele, 13a. 2r. Allowed pasturage of sheep in respect of 13a. Remainder of claim disallowed. 13 sheep allowed.

312 Edward Moore, Rathbride; common of pasture; yearly tenant, 36a. Allowed pasturage of sheep in respect of 36a. 36 sheep allowed.

313 Margaret Moore, Rathbride; common of pasture; tenant at will, 20a. Disallowed.

314 Anne Moore, Rathbride; common of pasture; right of way from claimant's land to public road; yearly tenant, R. B. Steele, 5a. Allowed pasturage of sheep in respect of 5a. Access to public road allowed as shown by the map before referred to. 5 sheep allowed.

335 James Nolan, Rathbride; common of pasture; yearly tenant to R. B. Steele, 21a. Allowed pasturage of sheep in respect of 21a. 21 sheep allowed.

174 Catherine Glinn, Rathbride; common of pasture; house free. Disallowed.

175 Michael Gilfoil, Rathbride; common of pasture; free house and garden. Disallowed.

347 Mrs. Mary Anne Orford, Rathbride; common of pasture; right of way across Curragh; leaseholder under R. B. Steele. Withdrawn.

344 Mrs. Mary Anne Orford, Rathbride; common of pasture; leaseholder under R. B. Steele, 113a. Allowed pasturage of sheep in respect of 113a., with reversion of the pasturage of 7a (claim No. 300) during her tenancy. 113 sheep allowed.

377 Patrick M'Donough, Rathbride; common of pasture; occupier for C. St. George, ½r. Disallowed.

381 Edward Tiernan, Rathbride; common of pasture; right of way across Curragh; at will, 10a. Withdrawn.

382 Patrick Tiernan, Rathbride; common of pasture; yearly tenant under R. B. Steele, 8a. Allowed pasturage of sheep in respect of 8a. 8 sheep allowed.

383 James Tiernan, Rathbride; common of pasture; yearly tenant under R. B. Steele, 53a; leaseholder under R. B. Steele, 28a.,—81a. Allowed pasturage of sheep in respect of 79a. 79 sheep allowed.

384 Mary Tiernan, Rathbride; common of pasture; tenant at will under R. B.

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Steele, 10a. 2r. Allowed pasturage of sheep in respect of 10a. 10 sheep allowed.

396 Thomas Walsh, Rathbride; common of pasture; tenant at will under R. B. Steele; 6a. Allowed pasturage of sheep in respect to 5a. 5 sheep allowed.

157 John Foran, Rathbride; common of pasture; caretaker under Mrs. Orford; 2a. Disallowed.

31 George L. Bryan, Walshestown; common of pasture; in fee under a patent granting commonage on the Curragh, 133a. 1r. 20p., fee simple 267a. 3r., total 401a. 0r. 20p. Allowed (in respect of 307a.) pasturage of sheep for tenants (claims Nos. 86, 163, 171, 398, and 401) in occupation of claimant's lands, with reversion of said pasturage to claimant. Not exceeding 307 sheep.

* 46 Peter Buckley, Walshestown; common of pasture; right of way across Curragh; at will; 8a. Disallowed.

* 86 Stephen Conlan, Walshestown; common of pasture; yearly tenant; 30a. Allowed pasturage of sheep in respect of 30a. 30 sheep allowed.

* 112 Thomas Dowling, Walshestown; common of pasture; yearly tenant; 18a. 2r. 3p. Disallowed.

* 163 James Fegan, Walshestown; common of pasture; yearly tenant; 88a. Allowed pasturage of sheep in respect of 88a. 88 sheep allowed.

* 171 William Gannon, Walshestown; common of pasture; yearly tenant; 98a. Allowed pasturage of sheep in respect of 98a. 98 sheep allowed.

* 197 Patrick Hanlon, Walshestown; common of pasture; yearly tenant; 43a. Disallowed.

* 323 Christopher Murphy, Walshestown; common of pasture; yearly tenant; 16a. Disallowed.

* 398 Thomas Whyte, Walshestown; common of pasture; yearly tenant; 73a. Allowed pasturage of sheep in respect of 73a. 73 sheep allowed.

* 401 Martin Whelan, Walshestown; common of pasture; yearly tenant; 18a. Allowed pasturage of sheep in respect of 18a. 18 sheep allowed.

46 Peter Buckley, Black Ditch; common of pasture; yearly tenant; 115a. Disallowed.

186 Hans Hendrick, Tully or French Furze. Withdrawn.

187 Hans Hendrick, Tully or French Furze; common of pasture; in fee; 1,104a. 5r. 34p. Allowed (in respect of 583a.) pasturage of sheep for tenants (claims Nos. 4, 260, 269, 271, 302, 361, 81, 103, 166, 196, 228, and 240), in occupation of claimant's lands, with reversion of said pasturage to claimant. Not exceeding 583 sheep.

188 Hans Hendrick, Tully or French Furze. Withdrawn.

3 James Bambrick, Tully or French Furze; common of pasture; tenant at will; cottage and garden. Disallowed.

4 John Beahan, Tully or French Furze; common of pasture; tenant at will; 10a. Allowed pasturage of sheep in respect of 10a. 10 sheep allowed.

30 John Bradshaw, Tully or French Furze; common of pasture; compensation for loss of sheep manure; cottage; caretaker. Disallowed.

75 Joseph Confrey, Tully or French Furze; common of pasture; yearly tenant; 38a. Disallowed.

260 Anne Lennox, Tully or French Furze; common of pasture; at will; 47a. Allowed pasturage of sheep in respect of 47a. 47 sheep allowed.

267 Michael Lee, Tully or French Furze; common of pasture; leaseholder; 132a. 2r. 36p. Withdrawn.

* Under George L. Bryan.

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269 William Lee, Tully or French Furze; common of pasture; leaseholder; 28a. 3r. 28p. Allowed pasturage of sheep in respect of 28a. 28 sheep allowed.

271 Mathew Lawler, Tully or French Furze; common of pasture; yearly tenant; 18a. Allowed pasturage of sheep in respect of 18a. 18 sheep allowed.

302 John Moore, Tully or French Furze; common of pasture; right of way across Curragh; leaseholder; 110a. 0r. 30p. Allowed pasturage of sheep in respect of 110a. Right of way disallowed. 110 sheep allowed.

320 Daniel Murphy, Tully or French Furze; common of pasture; compensation for loss of sheep manure; at will; cabin. Disallowed.

326 Patrick M'Donald, Tully or French Furze; common of pasture; compensation for loss of sheep manure; caretaker; la. Disallowed.

361 Simon Ryan, Tully or French Furze; common of pasture; right of way over Curragh; leaseholder; 86a. Allowed pasturage of sheep in respect of 86a. Right of way disallowed. 86 sheep allowed.

399 Charles Westlake, Tully or French Furze; common of pasture; freehold cottage. Disallowed.

81 Fitz James Clancy, Tully or French Furze; common of pasture; leaseholder; 12a. 1r. Allowed pasturage of sheep in respect of 12a. 12 sheep allowed.

103 John Doyle, Tully or French Furze; common of pasture; right of exercising horses, and way over Curragh; yearly tenant; 10a. Allowed pasturage of sheep in respect of 10a.; remainder of claim disallowed. 10 sheep allowed.

125 Mathew O'Donoghoe, Tully or French Furze; common of pasture; at will; house and yard. Disallowed.

166 James Fay, Tully or French Furze; common of pasture; right of way over Curragh; leaseholder; 175a. Allowed pasturage of sheep in respect of 175a.; right of way disallowed; 175 sheep allowed.

196 Mary Hanlon, Tully or French Furze; common of pasture; right of hooping wheels and use of gallops; leaseholder; 6a. Allowed pasturage of sheep in respect of 5a.; remainder of claim disallowed. Five sheep allowed.

198 Michael Houlahan, Tully or French Furze; common of pasture; compensation for loss of sheep manure. Disallowed.

228 Mathew Kelly, Tully or French Furze; common of pasture; right of way across Curragh; yearly tenant; 42a. Allowed pasturage of sheep in respect of 42a.; right of way disallowed. 42 sheep allowed.

240 Laurence Keegan, sen., Tully or French Furze; common of pasture; right of exercising horses; right of way over the Curragh; leaseholder; 40a. Allowed pasturage of sheep in respect of 40a.; remainder of claim disallowed. 40 sheep allowed.

205 Euphemia Eleonora Hodson on behalf of herself and of Rev. John Bonham, owner in fee, Sunny Hill; common of pasture; leaseholder; 240a. Allowed (in respect of 139a.) pasturage of sheep for tenants in occupation of claimant's lands (claims No. 369 and 395), with reversion of said pasturage to claimant, and to the owner in fee. Not exceeding 139 sheep.

296 Elizabeth Moran, Sunny Hill; common of pasture; house and garden. Disallowed.

369 James Tobin, Sunny Hill; common of pasture; right of way from house to public road; leaseholder; 9a. 2r. 30p. Allowed pasturage of sheep in respect of 9a.; access to public road allowed, as shown by the map before referred to. 9 sheep allowed.

395 Thomas Walsh, Sunny Hill; common of pasture; leaseholder; 130a. Allowed pasturage of sheep in respect of 130a. 130 sheep allowed.

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292 John F. Meekings, North and South Glebe, Knockbounce, and Old Kilcullen; common of pasture; in fee; 69a. 3r. 17p. Disallowed.

126 Thomas Dempsey, same townland; common of pasture; leaseholder; 13a. 1r. 39p. Disallowed.

374 Esther Tougher, same townland; common of pasture; leaseholder and yearly tenancy, 8a. Disallowed.

26 John Brennan, same townland; common of pasture; leaseholder; 33a. 3r. 3p. Disallowed.

368 Patrick Salmon, Old Kilcullen; common of pasture; right of way across the Curragh; tenant at will; 4a. 3r. Disallowed.

121 Rev. Francis Davies; not mentioned. Withdrawn.

119 Joseph Davies, not mentioned. Withdrawn.

276 John Mooney, town of Kildare; common of pasture; freehold, three houses. Disallowed.

61 Denis Casey; not mentioned; common of pasture; freehold, cottage and garden. Disallowed.

51 Mary M'Cartin; not mentioned. Withdrawn.

254 His Grace the Duke of Leinster, Marquis of Kildare, and Earl of Ophaley, Maddenstown; common of pasture for selves and tenants; right of way to and from Curragh; the Duke, tenant for life under settlement of the fee with remainders, 663a. Allowed (in respect of 285a.) pasturage of sheep for tenants (claims Nos. 57, 58, 117, 132, 134, 214, 333, 336, 338,) in occupation of claimants' lands, with reversion of said pasturage to claimants; not exceeding 285 sheep. Right of way disallowed.

57 Maurice Caffrey, Maddenstown; common of pasture; yearly tenant under the Duke of Leinster, 25a. Allowed pasturage of sheep in respect of 25a. 25 sheep allowed.

58 Thomas Caffrey, Maddenstown; common of pasture; yearly tenant under same, 7a. Allowed pasturage of sheep in respect of 7a. 7 sheep allowed.

109 William Dowling, Maddenstown; common of pasture; yearly tenant under same; 3a. Disallowed.

117 Denis Dooney, Maddenstown; common of pasture; yearly tenant under same; 17a. Allowed pasturage of sheep in respect of 17a. 17 sheep allowed.

132 James Dunney, Maddenstown; common of pasture; yearly tenant under same; 37a. Allowed pasturage of sheep in respect of 37a. 37 sheep allowed.

133 Michael Doogan, Maddenstown; common of pasture; yearly tenant under same; 3a. Disallowed.

134 Lawrence Doogan, Maddenstown; common of pasture; yearly tenant under same; 37a. Allowed pasturage of sheep in respect of 37a. 37 sheep allowed.

176 James Graney, Maddenstown; common of pasture; yearly tenant under same; 2a. 2r. Disallowed.

214 Patrick Keane, Maddenstown; common of pasture; yearly tenant under same; 60a. Allowed pasturage of sheep in respect of 60a. 60 sheep allowed.

333 Richard Newcomen, Maddenstown, common of pasture; yearly tenant under same; 48a. Allowed pasturage of sheep in respect of 48a. 48 sheep allowed.

336 Patrick Owens, Maddenstown; common of pasture; yearly tenant under same; 44a. Allowed pasturage of sheep in respect of 43a. 43 sheep allowed.

338. Jane Owens, Maddenstown; common of pasture; yearly tenant under same; 11a. Allowed pasturage of sheep in respect of 11a. 11 sheep allowed.

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346 Patrick Orford, Maddenstown; common of pasture; yearly tenant under same; 109a. Disallowed.

60 Thomas Caffrey, Maddenstown; common of pasture; tenant at will; 8a. Withdrawn.

90 Denis Dooney, Maddenstown; common of pasture; tenant at will; 17a. Withdrawn in favour of claim 117.

215 Patrick Keane, Maddenstown; common of pasture; right of way to and from house and land to Curragh; yearly tenant; 100a. Withdrawn in favour of claim 214.

337 Patrick Owens, Maddenstown; common of pasture; tenant at will; 44a. Withdrawn in favour of claim 336.

345 Patrick Orford, Maddenstown; common of pasture; passage to and from house to Curragh and adjoining fair and market towns; 135a. Withdrawn in favour of claim 346.

368*a* John Smith, Maddenstown; common of pasture; compensation for loss of gathering sheep manure; passage across Curragh; caretaker to Richard Newcomen; cottage—no land. Disallowed.

131 James Dunney, Maddenstown; common of pasture; passage to and from Curragh to public road; yearly tenant; 40a. Disallowed.

256 His Grace the Duke of Leinster, Marquis of Kildare, and Earl of Ophaley, Walterstown; common of pasture for selves and tenants, the Duke tenant for life, under settlement of the fee, with remainders; 40a. Disallowed.

153 John Flood, Walterstown; common of pasture; yearly tenant; 40a. Disallowed.

259*a* His Grace the Duke of Leinster, Marquis of Kildare, Earl of Ophaley, Red Hills; common of pasture for selves and tenants; right of way to and from Curragh; the Duke tenant for life, under settlement of the fee, with remainders; 73a. Allowed in respect of 72a. pasturage of sheep for tenant (claim No. 155) in occupation of claimants' land, with reversion of said pasturage to claimants; not exceeding 72 sheep. Right of way disallowed.

155 William Forbes, Red Hills; common of pasture; right of way to and from the Curragh; yearly tenant under the Duke of Leinster; 73a. Allowed pasturage of sheep in respect of 72a. Right of way disallowed. 72 sheep allowed.

259 Duke of Leinster, Marquis of Kildare, and Earl of Ophaley, Dunmurry; common of pasture for selves and tenants; the Duke tenant for life, under settlement of the fee, with remainders; 181a. Allowed (in respect of 94a.) pasturage of sheep, for tenant (claim No. 279) in occupation of claimants' land, with reversion of said pasturage to claimants; not exceeding 94 sheep.

97 Patrick Dunne, Dunmurry; common of pasture; tenant at will under the Duke of Leinster; 3a. 2r. Disallowed.

107 Michael Dowling, Dunmurry; common of pasture; yearly tenant under same; 141a.; also 28a. at Conlanstown. Disallowed.

279 Patrick Murrin, Dunmurry; common of pasture; yearly tenant under same; 94a. Allowed pasturage of sheep in respect of 94a. 94 sheep allowed.

281 James Edw. Medlicott, Dunmurry; common of pasture, in fee, 311a. Allowed pasturage of sheep in respect of 207a. Allowed, in respect of 45a. pasturage of sheep, for tenant (claim No. 318) in occupation of claimants' land, with reversion of said pasturage to claimants; not exceeding 45 sheep. 207 sheep allowed.

318 Philip Murphy, Dunmurry; common of pasture; yearly tenant under J. E.

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Medlicott; 103a. Allowed pasturage of sheep in respect of 45a. 45 sheep allowed.

341 James Owens, Dunmurry; common of pasture; cottage occupied as shepherd. Disallowed.

258 Duke of Leinster, Marquis of Kildare, and Earl of Ophaley, Blackmuller's Hill; common of pasture for selves and tenants; right of way to and from Curragh; the Duke tenant for life, under settlement of the fee, with remainders; 71a. Allowed (in respect of 54a.) pasturage of sheep, for tenants (claims Nos. 21, 244, and 397) in occupation of claimants' lands, with reversion of said pasturage to claimants. Not exceeding 54 sheep.

21 Christopher Boyle, Blackmuller's Hill; common of pasture; yearly tenant under the Duke of Leinster; 6a. Allowed pasturage of sheep in respect of 6a. 6 sheep allowed.

244 John Keegan, Blackmuller's Hill; common of pasture; yearly tenant under same; 44a. Allowed pasturage of sheep in respect of 42a. 42 sheep allowed.

334 Patrick Nolan, Blackmuller's Hill; common of pasture; yearly tenant under same; 6a. 1r. 13p. Withdrawn.

397 Thomas Walsh, Blackmuller's Hill; common of pasture; yearly tenant under same; 6a. Allowed pasturage of sheep in respect of 6a. 6 sheep allowed.

253 The Duke of Leinster, Marquis of Kildare, and Earl of Ophaley, Kildare, comprising the town of Kildare, Kildare North, Kildare South, and including the following denominations, viz.: Curragh Farm, Whitesland, West and East, Loughandes, South Green, Loughminane, and Loughlion; common of pasture for selves and tenants; right of way to and from Curragh; the Duke tenant for life under settlement of the fee, with remainders, 869a. 3r. 13p. Allowed pasturage of sheep in respect of 11a. (claims Nos. 127 and 146). Allowed (in respect of 204a.) pasturage of sheep for tenants (claims Nos. 53, 56, 88, 106, 156, 73, 87, 68, 55a., 404, 242, 303, and 321) in occupation of claimants' lands, herein-after mentioned, with reversion of said pasturage to claimants; not exceeding 204 sheep. Right of way disallowed. 11 sheep allowed.

7 Simon Beahan, same townland; common of pasture; right of way to and from his land to Curragh; yearly tenant under the Duke of Leinster; 1r. Disallowed.

53 Daniel Cleary, same townland; common of pasture; right of way to and from his land to Curragh, yearly tenant under same; 23a. Allowed pasturage of sheep in respect of 23a. Right of way disallowed. 23 sheep allowed.

56 Henry Carey, same townland; common of pasture; right of way to and from his land to Curragh; yearly tenant under same; 6a. 2r. Allowed pasturage of sheep in respect of 6a., with reversion to his landlord, claimant No. 88. Right of way disallowed. 6 sheep allowed.

88 Alicia Colgan, same townland; common of pasture; right of way to and from her land to Curragh; yearly tenant under same; 69a. Allowed pasturage of sheep in respect of 69a. Right of way disallowed. 69 sheep allowed.

106 Thomas Doyle, same townland; common of pasture; right of way to and from his land to Curragh; yearly tenant under same; 12a. 1r. 15p. Allowed pasturage of sheep in respect of 12a. Right of way disallowed. 12 sheep allowed.

127 James Dempsey, same townland; common of pasture; right of way to and from his land to Curragh; yearly tenant under same; 9a. Disallowed to

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claimant; but allowed pasturage of sheep to the owner in fee in respect of 9a. Right of way disallowed.

138 Mary Fitzgerald, same townland; common of pasture; right of way to and from her land to Curragh; yearly tenant under same; 1a. Withdrawn.

146 Anne Farrell, same townland; common of pasture; yearly tenant under same; 2a. 2r. 8p. Disallowed to claimant; but allowed pasturage of sheep to owner in fee in respect of 2a.

156 Anthony Foran, same townland; common of pasture; yearly tenant under same; 4a. Allowed pasture of sheep in respect of 3a. 3 sheep allowed.

159 James Finlay, same townland; common of pasture; right of way to and from his land to Curragh; yearly rent under same; 23a. Withdrawn.

236. John Keegan, same townland; common of pasture; cabin. Disallowed.

73 James Collins, same townland; common of pasture; yearly tenant under same; 4a. Allowed pasturage of sheep in respect of 4a. 4 sheep allowed.

87 John Colgan, same townland; common of pasture; yearly tenant under same; 6a. Allowed pasturage of sheep in respect of 6a. 6 sheep allowed.

68. Thomas Cooney, same townland; common of pasture; tenant to Alicia Colgan, who holds under the Duke of Leinster; 6a. Allowed pasturage of sheep in respect of 6a, with reversion to his landlord, claimant No. 88. 6 sheep allowed.

55*a* Samuel Chaplin, same townland; common of pasture; yearly tenant under the Duke of Leinster; 11a. Allowed pasturage of sheep in respect of 11a. 11 sheep allowed.

70 Henry Cooney, same townland; common of pasture; right of way to and from his house and land to the Curragh; yearly tenant under same; 6a. 0r. 27p. Withdrawn.

266 Michael Charles Lee, Kildare lands; common of pasture; right of way across the Curragh; compensation for land taken in by camp; leaseholder under the Duke of Leinster; 16a. 2r. 1p. Withdrawn.

130 James Dempsey, Kildare lands; common of pasture; tenant at will; 9a. Withdrawn in favour of claim 127.

4 Patrick Bartley, Kildare lands; common of pasture; yearly tenant under same. Disallowed.

356 Mary Rogers, Kildare lands; common of pasture; passage from lands to camp; yearly tenant; 2a. Withdrawn.

404 George Warren, Kildare lands; common of pasture; passage from lands to Curragh; yearly tenant under same; 3a. Allowed pasturage of sheep in respect of 2a. Passage disallowed. 2 sheep allowed.

242 Laurence Keegan, Kildare lands; common of pasture; right of way from lands to Curragh; yearly tenant; 47a. Allowed pasturage of sheep in respect of 46a. Right of way disallowed. 46 sheep allowed.

264 William Lee, Kildare lands; common of pasture; passage across Curragh; compensation for land and pasturage taken in by camp; tenant at will; 23a. 2r. 23p. Disallowed.

268 Michael Lee, Kildare lands; common of pasture; passage across the Curragh; compensation for land taken in by camp; yearly tenant; 28a. Withdrawn.

303 John Moore, Kildare lands; common of pasture; passage from land to Curragh; yearly tenant; 6a. Allowed pasturage of sheep in respect of 6a.; passage disallowed. 6 sheep allowed.

321 Laurence Murphy, Kildare lands; common of pasture; right of way from land to Curragh; yearly tenant; 11a. Allowed pasturage of sheep in respect of 10a.; right of way disallowed. 10 sheep allowed.

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265 Michael Charles Lee, Kildare lands; common of pasture; passage across the Curragh; compensation for land taken in by camp; leaseholder, 16a. 2r. 17p.; yearly tenant, 25a. 1r. 23p. Disallowed.

259*b* His Grace the Duke of Leinster, Marquis of Kildare, and Earl of Ophaley, Mooretown; common of pasture for selves and tenants; the Duke, tenant for life under settlement of the fee, with remainders; 205a. Disallowed.

47 Thomas Burke, Mooretown; common of pasture; yearly tenant; 5a. Disallowed.

177 Arthur Garry, Mooretown; common of pasture; yearly tenant; 140a. Withdrawn.

224 Patrick Kelly, common of pasture; tenant at will; 35a. Withdrawn.

305 John Moore, Mooretown; common of pasture; tenant at will; 13a. Withdrawn.

373 Thomas Treacey, Mooretown; common of pasture; tenant at will; 11a. Withdrawn.

82 Bridget Conlan, and on behalf of the owner in fee, Mooretown; common of pasture; yearly tenant under Charles Joynt, owner in fee; 45a. 1r. 5p. Allowed pasturage of sheep in respect of 39a. 39 sheep allowed.

290 John Frederick Meekins, and on behalf of the owner in fee, Mooretown; common of pasture; yearly tenant under Charles R. Joynt, owner in fee; 50a. Disallowed.

192 John Vincent Horan, Mooretown; common of pasture; right of way; in fee. Withdrawn.

255. His Grace the Duke of Leinster, Marquis of Kildare, and Earl of Ophaley, Milltown; common of pasture for selves and tenants; right of way to and from Curragh; the Duke tenant for life, under settlement of the fee, with remainders; 222a. Allowed (in respect of 54a.) pasturage of sheep for tenant (claim No. 221) in occupation of claimants' land, with reversion of said pasturage to claimants; not exceeding 54 sheep. Right of way disallowed.

221 Richard Kelly, Milltown; common of pasture; yearly tenant under the Duke of Leinster; 128a. Allowed pasturage of sheep in respect of 54a. 54 sheep allowed.

357. William Ryan, Milltown; common of pasture; right of way to and from Curragh; yearly tenant under same; 39a. Withdrawn.

360. Richard Ryan, Milltown; common of pasture; right of way to and from Curragh; yearly tenant under same; 33a. Withdrawn.

252 His Grace the Duke of Leinster, the Marquis of Kildare, and the Earl of Ophaley, Killenagornane; common of pasture for selves and tenants; right of way to and from Curragh; the Duke tenant for life, under settlement of the fee, with remainders; 114a. 2r. 20p. Allowed (in respect of 113a.) pasturage of sheep for tenants in occupation of claimants' lands (claims Nos. 9, 10, 280), with reversion of said pasturage to claimants; not exceeding 113 sheep. Right of way disallowed.

9 Patrick Beahan, Killenagornane; common of pasture; right of way from lands to Curragh; yearly tenant under the Duke of Leinster; 15a. Allowed pasturage of sheep in respect of 15a. Right of way disallowed. 15 sheep allowed.

10 Michael Beahan, Killenagornane; common of pasture; right of way from lands to Curragh; leaseholder under same; 30a. Allowed pasturage of sheep in respect of 29a. Right of way disallowed. 29 sheep allowed.

280 John Millway, Killenagornane; common of pasture; yearly tenant under same;

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69a. 2r. 20p. Allowed pasturage of sheep in respect of 69a. 69 sheep allowed.

257 Duke of Leinster, Marquis of Kildare, and Earl of Ophaley, Knocknagallia or Whitesland; common of pasture for selves and tenants; right of way to and from Curragh; the Duke tenant for life, under settlement of the fee, with remainders; 176a. 3r. 22p. Allowed (in respect of 38a.) pasturage of sheep for tenants (claims Nos. 95, 135, and 195) in occupation of claimants' lands, with reversion of said pasturage to claimants; not exceeding 38 sheep. Right of way disallowed.

35 Michael Byrne, same townland; common of pasture; right of way to and from Curragh; yearly tenant under the Duke of Leinster; 8a. 0r. 4p. Disallowed.

37 John Byrne, same townland; common of pasture; right of way to and from Curragh; right to train horses on Curragh; compensation for land taken in by camp; yearly tenant under the Duke of Leinster; 17a. Disallowed.

52 Daniel Cleary, same townland; common of pasture; yearly tenant under same; 21a. Disallowed.

55 Samuel Chaplin, same townland; common of pasture; yearly tenant under same; 7a. Disallowed.

95 Charles Dunne, same townland; common of pasture; yearly tenant under same; 15a. Allowed pasturage of sheep in respect of 15a. 15 sheep allowed.

135 Thomas Darby, same townland; common of pasture; yearly tenant under same; 13a. Allowed pasturage of sheep in respect of 13a. 13 sheep allowed.

194 Thomas Heffernan, same townland; common of pasture; right of way to and from Curragh; yearly tenant under same; 10a. Withdrawn.

195. Thomas Heffernan, same townland; common of pasture; tenant at will under same; 10a. Allowed pasturage of sheep in respect of 10a. 10 sheep allowed.

251 His Grace the Duke of Leinster, Marquis of Kildare, and Earl of Ophaley, Pollardstown; common of pasture for selves and tenants; right of way to and from the Curragh; the Duke tenant for life under settlement of the fee, with remainders; 546a. 3r. 34p. Allowed (in respect of 522a.) pasturage of sheep for tenants (claims Nos. 36, 84, 139, 190, 200, and 286) in occupation of claimants' lands, with reversion of said pasturage to claimants; not exceeding 522 sheep. Right of way disallowed.

36 Michael Byrne, Pollardstown; common of pasture; right of way; yearly tenant under the Duke of Leinster; 1a. 0r. 37p. Allowed pasturage of sheep in respect of 1a. Right of way disallowed. 1 sheep allowed.

84 Edward Conlan, Pollardstown; common of pasture; right of way; yearly tenant under same; 181a. Allowed pasturage of sheep in respect of 181a. Right of way disallowed. 181 sheep allowed.

139 Thomas Fitzgerald, Pollardstown; common of pasture; right of way; yearly tenant under same; 164a. Allowed pasturage of sheep in respect of 139a. Right of way disallowed. 139 sheep allowed.

190 Patrick Healy, Pollardstown; common of pasture; right of way; yearly tenant under same; 122a. Allowed pasturage of sheep in respect of 100a. Right of way disallowed. 100 sheep allowed.

200 John Hooney, Pollardstown; common of pasture; right of way; yearly tenant under same; 124a. Allowed pasturage of sheep in respect of 100a.; right of way disallowed. 100 sheep allowed.

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243 Phelim Keegan, Pollardstown; common of pasture; part in fee; part yearly tenancy under the Duke of Leinster; 2a. Disallowed.

286 The Rev. Warren Cecil Maunsell, Pollardstown; common of pasture; tenant for life as rector of glebe lands; 1a. 2r. 29p. Allowed pasturage of sheep in respect of 1a. 1 sheep allowed.

301 John Moore, Pollardstown; common of pasture; compensation for loss of collecting sheep manure and depositing it on Curragh; freehold cottage and 3r. Disallowed.

30th June 1869. Henry H. Joy, Alexander Stewart, Edmund A. Mansfield, } Curragh Commissioners.

Second Schedule.

Public Roads now existing over the Curragh.

No. 1. Road known as the Limerick Road.

No. 2. Road from Ballymanny by the Stand House and Anglesea post, by Ducie's stables to the Shrod Road.

No. 3. Road from Ballymanny by the Curragh Petty Sessions Court to Athgarvan.

No. 4. Road from Donnelly's Hollow to a point near the present post office at Ballysax.

No. 5. Road from the Kilcullen Road at Ballysax, past Ballysax Glebe to Kildare Road at French Furze.

No. 6. Road from Ballyshannon Road at Brownstown up to Road No. 5.

No. 7. Road from the corner of Whitehall to Road No. 5.

No. 8. Road from Blackmiller's Hill to Rathbride.

No. 9. Road from Blackmiller's Hill to edge of Curragh at Rossmore Lodge.

No. 10. Road from Keegan's House at Blackmiller's Hill to join Road No. 8.

No. 11. Road leading from Rathangan Road across the railway bridge to Road No. 2, near the Anglesea post.

No. 12. Road from Pollardstown bridge to Road No. 2.

No. 13. Road from the Newbridge Road, past the National School, to Road No. 3.

No. 14. Road from the road leading to Ballysax Church to Road No. 5.

No. 15. Public right of way on, over, and along the road crossing the site of the camp marked on the deposited map, and thereon distinguished by the letters "X Y," subject to the provisions in the 8th section of the Curragh of Kildare Act, 1868.

30th June 1869. Henry H. Joy, Alexander Stewart, Edmund A. Mansfield, } Curragh Commissioners.

Curragh of Kildare.

A

BILL

To confirm the Award under "The Curragh of Kildare Act, 1868," and for other purposes relating thereto.

(*Prepared and brought in by Mr. Chichester Fortescue and Mr. Solicitor General for Ireland.*)

Ordered, by The House of Commons, *to be Printed,* 20 *June* 1870.

[Bill 175.]

Under 4 *oz.*

A

B I L L

TO

Grant certain Duties of Customs and Inland Revenue, and to repeal and alter other Duties of Customs and Inland Revenue. A.D. 1870.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Customs and Inland Revenue Act, 1870." Short title.

PART I.

As to Customs.

2. There shall be charged, collected, and paid, for the use of Her Majesty, her heirs and successors, the duties of customs specified in schedule (A.) to this Act, and there shall be allowed the several drawbacks specified in the said schedule; and all the provisions contained in any Act relating to customs duties, and drawbacks, and in force at the time of the passing of this Act, shall, so far as the same are applicable, have full force and effect with respect to the said duties and drawbacks of customs granted and allowed by this Act. Grant of duties of customs in schedule (A.)

A.D. 1870.

PART II.

As to Excise.

Repeal and Modification of certain Duties.

Repeal of certain duties of excise, viz.:

3. The duties of excise specified in this section shall cease to be payable on the several days herein-after mentioned; that is to say,

On the *first day of October one thousand eight hundred and seventy*,—

Licenses to foot hawkers in Great Britain.

The duty of two pounds upon the license to be taken out by every hawker, pedlar, petty chapman, and other trading person who shall travel and trade on foot in Great Britain without any horse or other beast bearing or drawing burthen, and shall carry his goods, wares, or merchandise to and sell or expose for sale the same at other men's houses only, and not in or at any house, shop, room, booth, stall, or other place whatever belonging to or hired or occupied or used by him for that purpose in any town to which he may travel:

Licenses to foot hawkers in Ireland.

The duty of two pounds and two shillings upon a license to a person exercising the trade or calling of a hawker, pedlar, petty chapman, or other trading person going from place to place in Ireland, carrying to sell or exposing to sale any goods, wares, or merchandise, and travelling on foot with or without a servant or other person, employed in carrying goods of any such hawker, pedlar, or petty chapman, but without a horse or other beast of burthen.

Licenses to paper makers:

Licenses to soap makers:

Licenses to still makers in Scotland and Ireland.

On the *sixth day of July one thousand eight hundred and seventy*,—

The duty upon a license to a maker of paper, pasteboard, or scaleboard;

The duty upon a license to a maker of soap for sale;

The duty upon a license to a maker of stills in Scotland and Ireland.

Licenses to vendors of playing cards.

On the *second day of September one thousand eight hundred and seventy*,—

The duty of two shillings and sixpence upon a license to be taken out by any person who shall sell playing cards, not being a maker thereof;

but the enactments relating to the said duties respectively shall remain in full force and effect as to any duties which shall be owing or in arrear on the said days respectively, and also as to any offences which shall have been committed against any of the said enactments previous to the said days respectively.

4. On and after the *sixth day of July one thousand eight hundred and seventy*, it shall not be necessary for any person to take out a license as a dealer in plate, in order to enable him to sell watch cases which shall have been made by him.

Plate license not necessary for the sale of watch cases by the maker.

5. From and after the *passing of this Act*, it shall not be necessary for any person to take out an excise license as an auctioneer, in order to enable him to sell fish by auction upon the sea-shore where the same shall have been first landed.

Auctioneers license not necessary for the sale of fish upon the sea shore.

Steeping Grain for Animals.

6. It shall be lawful for any farmer in Great Britain to steep, or steep and germinate, grain to be consumed by animals, under the following conditions; that is to say,—

Farmers may steep and germinate grain to be consumed by animals.

1. He shall before steeping any grain deliver to the officer of excise of the district in which he resides a notice in writing describing the particular building or place, or buildings or places, in which he intends to steep or germinate the grain, and in which he intends to keep the grain when steeped or germinated:
2. Every such building or place shall be situate on the farm upon which the grain is to be consumed, and at a distance of a quarter of a mile at least from any malthouse, and from any kiln upon which malt or grain could be dried, or, if not so situated, shall be otherwise situate to the satisfaction of the Commissioners of Inland Revenue:
3. Every such building or place shall at all times be open to the inspection of any officer of excise:
4. The grain, after being steeped or germinated, shall not be dried or ground or crushed in any manner whatsoever:
5. The steeped or germinated grain shall be wholly consumed by animals on the farm upon which the grain shall have been steeped or germinated.

If any person shall steep or germinate any grain, or shall keep or have in his custody or possession any steeped or germinated grain, otherwise than as allowed by this section, or shall prevent or hinder any officer of excise from inspecting any building or place used or entered by him for the purpose of steeping or germinating grain, or used or entered by him for the purpose of keeping grain when steeped or germinated; or shall dry, grind, or crush, or permit or suffer to be dried, ground, or crushed, any steeped or germinated grain, contrary to the provisions of this section; or shall use or consume, or permit or suffer to be used or consumed, any

Penalty for infringing the provisions of this section.

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steeped or germinated grain, otherwise than as directed by this section, he shall forfeit all such grain and the penalty of *one hundred pounds;* and every person who shall be convicted of any of the offences aforesaid shall be incapable after such conviction of steeping or germinating grain under the provisions of this section.

Grant of Duties.

Grant of duties of excise in schedule (B.)

7. There shall be charged, collected, and paid, for the use of Her Majesty, her heirs and successors, the duties of excise specified in schedule (B) to this Act; and all the provisions contained in any Act relating to excise duties, and in force at the time of the passing of this Act, shall, so far as the same are applicable, have full force and effect with respect to the said duties of excise granted by this Act.

Sugar used in brewing.

Provisions to be observed in relation to the use of sugar in brewing.

8. In addition to any enactments now in force in relation to sugar to be used by brewers of beer for sale in the brewing and making of beer, the following provisions shall have effect in relation to sugar so to be used:—

1. The brewer shall on the *first day of October one thousand eight hundred and seventy* enter in a book or paper to be provided by the Commissioners of Inland Revenue an account in pounds weight avoirdupois of the quantity of sugar then in his possession, and from time to time a like account of every quantity of sugar subsequently received by him, and he shall make such entry on the day on which he shall receive the sugar:
2. The brewer shall keep the said book or paper at all times in some public and open part of his entered premises ready for the inspection of the officers of excise, and he shall permit any officer of excise at any time to inspect the said book or paper, and to make any entry therein or extract therefrom, and also to take away the said book or paper, upon leaving another for the use of the brewer:
3. The brewer shall not receive any sugar except in a package containing two hundredweight of sugar at the least, unless the sugar shall be contained in the package in which it shall have been imported into the United Kingdom, and shall be in the same state as when imported:
4. The brewer shall not receive any sugar unless accompanied by an invoice or delivery note specifying the quantity and

the true name and address of the person from whom the sugar shall have been purchased:

5. The brewer shall produce and deliver to the officer of excise who shall first survey or visit his brewery after the receipt of any sugar, the invoice or delivery note which shall have accompanied such sugar, and he shall allow the officer to retain the said invoice or delivery note so long as may be necessary to enable him to compare the same with the book or paper in which the account of the sugar is required to be entered:

6. The brewer shall deposit all sugar received by him, immediately upon the receipt thereof, in the proper place entered by him for keeping or storing sugar, and shall keep the same therein, separate and apart from all other sugar, for the period of twenty-four hours from the time when such sugar shall have been so deposited, unless such sugar shall have been previously examined by an officer of excise:

7. The brewer shall permit any officer of excise at any time to take an account of the sugar in his possession, or any part thereof, and shall furnish the officer taking such account with proper scales and weights, and with such assistance as may be necessary to enable him conveniently to take such account:

8. The brewer shall not remove any sugar from his brewery, nor dispose thereof in any manner other than by dissolving the same in the mash tun or other vessel duly entered with the proper officer of excise for that purpose:

9. The brewer shall permit any officer of excise to gauge any wort or solution made from sugar, and also to take a sample or samples from such wort or solution; and if upon examination of the sample or samples it shall be found that the wort or solution contained an amount of sugar exceeding the quantity used in making such wort or solution, according to the entry made by the brewer in the proper book or paper provided for that purpose, such amount to be ascertained according to a table to be approved by the Commissioners of Inland Revenue for showing the quantity of sugar contained in any given quantity of wort or solution, according to the specific gravity thereof as ascertained by any saccharometer ordered to be used by the said Commissioners, the brewer shall be deemed to have committed an offence against this section; provided that it shall not be necessary on the trial of any information

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or other proceeding, to produce or give in evidence any order of the said Commissioners approving such table, or ordering the use of any saccharometer.

For any offence against this section the brewer shall forfeit the penalty of *one hundred pounds*.

A penalty of double duty to be paid upon any deficiency exceeding 2 per cent. found on taking the stock of sugar at a brewery.

9. The proper officer of excise shall keep a stock account of the sugar received and used by a brewer of beer for sale for brewing and making beer, and shall debit the brewer with the quantity of sugar received, and shall credit him with the quantities used in brewing, and if upon taking the stock at any time any officer of excise shall find that the quantity of sugar remaining in the possession of the brewer shall be less than it ought to be, the deficiency shall be deemed to have been used in the brewing and making of beer, and the brewer shall forfeit, over and above any other penalty to which he may be liable, a penalty of *double* the amount of duty on such deficiency according to the rate of excise duty payable on sugar used in the brewing and making of beer at the time such deficiency shall be found, but the said penalty of double duty shall not be incurred if the deficiency shall be less than a quantity equal to *two per cent.* upon the balance remaining at the last preceding stock taking added to the quantities subsequently received: Provided always, that in taking the account of the stock of sugar in the possession of a brewer the weight that shall at any time have been marked upon any package of sugar by any officer of customs or excise shall be deemed to be the true weight, unless such package shall have since undergone some alteration, or the officer of excise who shall take the stock shall be dissatisfied with the weight so marked.

Brewer to enter the quantity of malt and sugar intended to be used in brewing 2 hours before mashing and dissolving the same.

10. Whereas by the laws in force every brewer of beer for sale is required to enter in the book or paper provided for the purpose of his entering therein the quantity of malt and sugar intended to be used by him in the brewing of beer the particular hour of the day at which he intends to mash any malt or to dissolve any sugar: Be it enacted, that every such brewer shall also enter in the said book or paper the respective quantities of the malt and sugar intended to be used two hours at the least before the particular hour which he shall have entered in the said book or paper as the hour at which he intends to mash the malt or to dissolve the sugar, under the like penalty for any refusal or neglect to make such entry as is hereby directed to be made in such book or paper, or for cancelling, obliterating, or altering the same, as by the laws in force such brewer is

subject and liable to for any refusal or neglect to make any other entry therein, or for cancelling, obliterating, or altering any such other entry.

Duty on Railway Traffic Receipts.

Accounts to be kept of moneys received in respect of traffic.

11. The proprietor or company of proprietors of every railway in Great Britain, and every other person who shall receive or charge any sum of money for or in respect of traffic of any description whatever on any railway in Great Britain, shall keep and enter, or cause to be kept and entered, in a book or books to be kept for that purpose, and in such manner and form as the Commissioners of Inland Revenue shall direct or approve, a just and true account of all and every sum and sums of money which shall be received or charged daily by or for such proprietor or company of proprietors or other person for or in respect of all the said traffic, whether the same shall be received or charged for or in respect of traffic on the railway of such proprietor or company or other person only, or on such railway and any other railway, or on any such other railway only, and the duty granted by this Act shall, in the manner hereinafter directed, be paid by the said proprietor or company or other person so receiving or charging such sum and sums of money as aforesaid, without any deduction or abatement therefrom.

Copies of accounts to be delivered to Commissioners of Inland Revenue, and duties to be paid.

12. The proprietor or company of proprietors or other person receiving or charging any sum or sums of money in respect of which duty is payable under this Act shall, within forty-two days after the termination of every calendar month, deliver to the Commissioners of Inland Revenue, or to such officer as the said commissioners shall from time to time appoint, a true copy of every account directed by this Act to be kept and entered, so far as the same shall relate to the sum or sums of money received or charged during the whole of such calendar month; and to and with every such copy there shall be annexed and delivered an affidavit (to be taken before any justice of the peace having jurisdiction at the place where such affidavit shall be taken) of such proprietor or other person as aforesaid, or of the secretary, chief clerk, or accountant of such proprietor or company, or other person, stating that the deponent is well acquainted with the books and accounts of the said proprietor, company, or other person, and that he has examined and checked the same, and also the copy account to which such affidavit is annexed, and that to the best of his knowledge, information, and belief such copy shows a true and faithful account of all and every sum and sums of money received or charged by or for such proprietor or company or other person

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aforesaid, for or in respect of the traffic upon any railway during the period comprised in the account, and of all other matters and things required by this Act to be contained therein; and such proprietor or company or other person shall at the time of delivering every such copy pay to the Receiver General of Inland Revenue, or to the officer appointed by the said Commissioners to receive the same, the duty payable under this Act for or in respect of all and every the sum and sums of money appearing by the said copy to have been so received or charged as aforesaid.

Duties paid by one railway company on moneys received for traffic on railway of another company may be deducted.

13. It shall be lawful (where there shall be no express contract or agreement between the parties to the contrary) for any proprietor or company of proprietors or other person who shall have paid the duty chargeable under this Act, upon any sum or sums of money received or charged by such proprietor or company of proprietors or other person for or in respect of traffic upon the railway of any other proprietor or company of proprietors or other person, to deduct from and retain the amount of the said duty out of any moneys to be paid over to such last-mentioned proprietor or company of proprietors or other person.

Books to be open to inspection of authorised officers.

14. Every book of a proprietor, or of a company of proprietors, or of any other person in which any account of traffic of any description, or of the money received or charged for the same, shall be kept or entered, shall be open to the inspection and examination at all seasonable times of any officer of Inland Revenue authorised by the Commissioners of Inland Revenue in that behalf, and such officer shall be at liberty to take copies of or extracts from any such book or account as aforesaid; and if any proprietor or other person, or the secretary or accountant, or any clerk or officer of any such proprietor or company or person having the custody or possession of any such book, or having power to produce the same, shall, upon demand made by any such officer, (producing and showing a letter from the secretary of the said Commissioners authorizing him to make such inspection and examination,) refuse to permit such officer to inspect and examine any such book, or to take copies thereof or extracts therefrom, or of or from any account entered or contained therein, or shall refuse to produce such book to such officer for his inspection and examination, every such person so offending shall for every such offence forfeit the sum of *fifty pounds*.

Proprietors of railways to give bond for security of duties.

15. The proprietor or company of proprietors of every railway, and every other person, before he or they shall receive or charge any sum of money in respect whereof duty is chargeable under this

Act, shall give security by bond to Her Majesty, her heirs and successors, with such sureties, for such sum of money, and with such conditions as the Commissioners of Inland Revenue shall prescribe for the due compliance by such proprietor or company of proprietors or other person with the provisions of this Act; and such security shall be renewed from time to time whenever and so often as such bond shall be forfeited, or the said Commissioners shall in their discretion require the same to be renewed or a fresh bond to be given; and if any proprietor or company of proprietors or other person as aforesaid shall refuse or neglect to give such security by bond as aforesaid, or to renew such bond, or give a fresh bond, whenever the same ought, according to the provisions of this Act, to be renewed or given, such proprietor, company, or person shall forfeit the sum of *one hundred pounds*, and the further sum of *fifty* pounds for every day during the period of such refusal or neglect.

Repeal of enactments relating to railway passenger duties.

16. From and after the *thirty-first day of March one thousand eight hundred and seventy*, the following enactments shall be repealed:

Sections four, five, six, and seven of the Act of the fifth and sixth years of Her Majesty's reign, chapter seventy-nine; and so much of the schedule to the said Act as contains the duties payable in respect of passengers conveyed for hire upon railways:

Section nine of the Act of the seventh and eighth years of Her Majesty's reign, chapter eighty-five:

Sections thirteen and fourteen of the Act of the twenty-sixth and twenty-seventh years of Her Majesty's reign, chapter thirty-three:

Provided that the said enactments shall remain in full force and effect as to such duties as shall be owing or in arrear on the said day, and as to any offences which shall have been committed against any of the said enactments previous thereto.

PART III.

As to Stamp Duties.

Duties on newspapers to cease.

17. On the *first day of October one thousand eight hundred and seventy* the stamp duties on newspapers shall cease and determine.

Reduction of duty on certain policies of insurance.

18. On the first day of July one thousand eight hundred and seventy the stamp duties on policies of insurance under the tenth section of the Act passed in the twenty-eighth and twenty-ninth years of Her Majesty's reign, chapter ninety-six, shall cease and

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determine, and in lieu thereof, on and after the *first day of July one thousand eight hundred and seventy*, there shall be charged and paid upon and for every policy of insurance, for any payment agreed to be made upon the death of any person, only from accident or violence, or otherwise than from a natural cause, or as compensation for personal injury, or by way of indemnity against loss or damage of or to any property, a stamp duty of one penny.

PART IV.

As to Income Tax.

Grant of duties of income tax specified in schedule.

19. There shall be charged, collected, and paid, for the use of Her Majesty, her heirs and successors, the duties of income tax specified in schedule (C.) to this Act; and all such provisions contained in any Act relating to the duties of income tax as were in force on the fifth day of April one thousand eight hundred and seventy, and are not repealed by this Act, shall have full force and effect with respect to the said duties of income tax granted by this Act, so far as the same shall be consistent with the provisions of this Act; and for the purposes of this Act the year one thousand eight hundred and sixty-two mentioned in the forty-third section of the Act passed in the twenty-fifth year of Her Majesty's reign, chapter twenty-two, shall be read as and deemed to mean the year one thousand eight hundred and seventy.

Repeal of provisions contained in 32 & 33 Vict. c. 14. ss. 6. and 7.

20. The provisions contained in the sixth and seventh sections of the Act passed in the thirty-second and thirty-third years of Her Majesty's reign, chapter fourteen, are hereby repealed.

Special commissioners to assess public companies.

21. The Commissioners for Special Purposes of the Income Tax Act shall assess the annual value of profits and gains arising to any company incorporated by royal charter or letters patent, or by Act of Parliament, or incorporated or registered under the provisions of any Act of Parliament; provided that the term "company" in this section or any other section of this Act relating to income tax shall not include any company for which particular commissioners are appointed by the Income Tax Act.

Special commissioners to assess persons engaged or employed by public companies.

22. The Commissioners for Special Purposes shall assess the annual value of profits and gains accruing to any person in respect of the salary, wages, or emoluments of his engagement in or employment by any company; and where the profits to be assessed shall arise from fixed salary, wages, or emoluments, the assessment

shall be based upon the amount thereof payable for the year of assessment. A.D. 1870.

The particulars of the assessment shall be notified by the Special Commissioners to the secretary or other officer of the company, and such assessment shall be deemed to be an assessment upon the company, and the duty shall be charged and paid accordingly; and it shall be lawful for the company, or their secretary or other officer, to deduct and retain out of the salary, wages, or emoluments of each person engaged in or employed by the company the duty so charged in respect of his profits and gains.

Assessment to be notified to, and to be deemed an assessment upon, the company.

23. Every person required under the provisions of the Income Tax Acts to deliver a list of the names of persons chiefly employed in his service shall, under the penalty imposed by such Acts for default of return, state in such list, against the name of each person, the annual value of his profits and gains, and for so much of such profits and gains as shall arise from fixed salary, wages, or emoluments the assessment shall be made on the amount thereof payable for the year of assessment.

Persons returning lists of others in their employ to state amount of salary, &c.

PART V.

As to Duties on Inhabited Houses.

24. The poundage now payable to collectors in respect of the amount of the duties on inhabited houses collected and paid to the proper officer for receipt shall be divided in each separate collection between the assessors and collectors in equal proportions.

Poundage to be divided between assessors and collectors.

SCHEDULE (A.)

[*The Duties in these Schedules are proposed to be inserted in Committee.*]

Containing the Duties of Customs granted by this Act.

On and after the under-mentioned dates, in lieu of the duties of customs now charged on the articles under mentioned, the following duties of customs shall be charged thereon on importation into Great Britain or Ireland, viz.:—

On and after the second day of May one thousand eight hundred and seventy:—

		£	s.	d.
Sugar, viz.:—				
Candy, brown or white, refined sugar, or sugar rendered by any process equal in quality thereto, and manufactures of refined sugar	the cwt.	0	6	0

On and after the thirteenth day of April one thousand eight hundred and seventy:—

		£	s.	d.
Sugar not equal to refined:—				
First class	the cwt.	0	5	8
Second class	„	0	5	3
Third class	„	0	4	9
Fourth class, including cane juice	„	0	4	0
Molasses	„	0	1	9
Almonds, paste of	„	0	4	8
Cherries, dried	„	0	4	8
Comfits, dry	„	0	4	8
Confectionery, not otherwise enumerated	„	0	4	8
Ginger, preserved	„	0	4	8
Marmalade	„	0	4	8
Succades, including all fruits and vegetables preserved in sugar, not otherwise enumerated	„	0	4	8

And the said duties shall be paid on the weights ascertained at landing.

On and after the under-mentioned dates, in lieu of the drawbacks now allowed on the under-mentioned descriptions of sugar refined in Great Britain or Ireland on the exportation thereof to foreign parts, or on removal to the Isle of Man for consumption there, or on deposit in any approved warehouse, upon such terms and subject to such regulations as the Commissioners of Customs may direct for delivery from such warehouse as ships stores only, or for the purpose of sweetening British spirits in bond, the following drawbacks shall be paid and allowed; (that is to say,)

On and after the second day of May one thousand eight hundred and seventy:—

Upon refined sugar in loaf, complete and whole, or lumps duly refined, having been perfectly clarified and thoroughly dried in the stove, and being of an uniform whiteness

	£	s.	d.
throughout, and upon such sugar pounded, crushed, or broken in a warehouse approved by the Commissioners of Customs, such sugar having been there first inspected by the officers of customs in lumps or loaves as if for immediate shipment, and then packed for exportation in the presence of such officers, and at the expense of the exporter; and upon candy - - for every cwt.	0	6	0
Upon refined sugar unstoved, pounded, crushed, or broken, and not in any way inferior to the export standard sample No. 2, approved by the Lords of the Treasury, and which shall not contain more than five per centum of moisture over and above what the same would contain if thoroughly dried in the stove - - - for every cwt.	0	5	9

And on and after the thirteenth day of April one thousand eight hundred and seventy,—

Upon sugar refined by the centrifugal or by any other process, and not in any way inferior to the export standard sample No. 1, approved by the Lords of the Treasury for every cwt.	0	6	0
Upon other refined sugar unstoved, being bastards or pieces, ground, powdered, or crushed:			
——— Not in any way inferior to the export standard sample No. 3, approved by the Lords of the Treasury - - - for every cwt.	0	5	8
——— Not in any way inferior to the export standard sample No. 4, approved by the Lords of the Treasury - - - for every cwt.	0	5	3
——— Not in any way inferior to the export standard sample No. 5, approved by the Lords of the Treasury - - - for every cwt.	0	4	9
——— Inferior to the above last-mentioned standard sample - - - - for every cwt.	0	4	0

From and after the passing of this Act, in lieu of the duties of customs now charged on the articles under mentioned, the following duties of customs shall be charged thereon upon the importation thereof into Great Britain or Ireland, viz.:—

Perfumed spirits and Cologne water, being mixed with any article so that the degree of strength cannot be ascertained by Sykes' hydrometer - - - - - - the gallon	0	16	6

The duties of customs now charged on tea shall continue to be levied and charged on and after the first day of August one thousand eight hundred and seventy, until the first day of August one thousand eight hundred and seventy-one, on importation into Great Britain or Ireland; that is to say,—

Tea - - - - - - - - the lb.	0	0	6

SCHEDULE (B.)

Containing the Duties of Excise granted by this Act.

In lieu of the duties of excise now chargeable on sugar made in the United Kingdom, the following duties of excise shall be charged thereon; that is to say,

On and after the second day of May one thousand eight hundred and seventy:—

	£	s.	d.
Candy, brown or white, refined sugar, or sugar rendered by any process equal in quality thereto, and manufactures of refined sugar - - - - the cwt.	0	6	0

On and after the thirteenth day of April one thousand eight hundred and seventy:—

Sugar not equal to refined:—

First class - - - - - the cwt.	0	5	8	
Second class - - - - - „	0	5	3	
Third class - - - - - „	0	4	9	
Fourth class - - - - - „	0	4	0	
Molasses - - - - - „	0	1	9	

In lieu of the duty of excise now chargeable upon sugar used in brewing, there shall be charged, on and after the thirteenth day of April one thousand eight hundred and seventy, upon every hundredweight, and in proportion for any fractional part of a hundredweight, of all sugar which shall be used by any brewer of beer for sale in the brewing or making of beer, the excise duty of 7*s.* 6*d.*

On and after the first day of April one thousand eight hundred and seventy, a duty at and after the rate of 1*l.* for 100*l.* upon all sums received or charged in respect of traffic of every description upon any railway in Great Britain.

SCHEDULE (C.)

Containing the Duties of Income Tax granted by this Act.

For one year, commencing on the sixth day of April one thousand eight hundred and seventy, for and in respect of all property, profits, and gains mentioned or described as chargeable in the Act passed in the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, for granting to Her Majesty duties on profits arising from property, professions, trades, and offices, the following duties shall be charged; (that is to say,)

For every twenty shillings of the annual value or amount of all such property, profits, and gains, (except those chargeable under schedule (B.) of the said Act,) the duty of fourpence.

And for and in respect of the occupation of lands, tenements, hereditaments, and heritages, chargeable under schedule (B.) of the said Act, for every twenty shillings of the annual value thereof:—

In England, the duty of twopence, and in Scotland and Ireland respectively the duty of one penny halfpenny.

Subject to the provisions contained in section 3 of the Act 26 Victoria, chapter 22, for the exemption of persons whose whole income from every source is under 100*l.* a year, and relief of those whose income is under 200*l.* a year.

Customs and Inland Revenue.

A

B I L L

To grant certain Duties of Customs and Inland Revenue, and to repeal and alter other Duties of Customs and Inland Revenue.

(*Prepared and brought in by Mr. Dodson, Mr. Chancellor of the Exchequer, and Mr. Stansfeld.*)

Ordered, by The House of Commons, *to be Printed,* 20 *May* 1870.

[Bill 133.]

Under 2 *oz.*

A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Grant certain Duties of Customs and Inland Revenue, and to repeal and alter other Duties of Customs and Inland Revenue. A.D. 1870

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Customs and Inland Revenue Act, 1870." Short title.

PART I.

As to Customs.

2. There shall be charged, collected, and paid, for the use of Her Majesty, her heirs and successors, the duties of customs specified in schedule (A.) to this Act, and there shall be allowed the several drawbacks specified in the said schedule; and all the provisions contained in any Act relating to customs duties, and drawbacks, and in force at the time of the passing of this Act, shall, so far as the same are applicable, have full force and effect with respect to the said duties and drawbacks of customs granted and allowed by this Act. Grant of duties of customs in schedule (A.

A.D. 1870.

PART II.

As to Excise.

Repeal and Modification of certain Duties.

Repeal of certain duties of excise, viz.:

3. The duties of excise specified in this section shall cease to be payable on the several days herein-after mentioned; that is to say,

On the first day of October one thousand eight hundred and seventy,—

Licenses to foot hawkers in Great Britain.

The duty of two pounds upon the license to be taken out by every hawker, pedlar, petty chapman, and other trading person who shall travel and trade on foot in Great Britain without any horse or other beast bearing or drawing burthen, and shall carry his goods, wares, or merchandise to and sell or expose for sale the same at other men's houses only, and not in or at any house, shop, room, booth, stall, or other place whatever belonging to or hired or occupied or used by him for that purpose in any town to which he may travel:

Licenses to foot hawkers in Ireland.

The duty of two pounds and two shillings upon a license to a person exercising the trade or calling of a hawker, pedlar, petty chapman, or other trading person going from place to place in Ireland, carrying to sell or exposing to sale any goods, wares, or merchandise, and travelling on foot with or without a servant or other person, employed in carrying goods of any such hawker, pedlar, or petty chapman, but without a horse or other beast of burthen.

On the sixth day of July one thousand eight hundred and seventy,—

Licenses to paper makers:

The duty upon a license to a maker of paper, pasteboard, or scaleboard;

Licenses to soap makers:

The duty upon a license to a maker of soap for sale;

Licenses to still makers in Scotland and Ireland.

The duty upon a license to a maker of stills in Scotland and Ireland.

On the second day of September one thousand eight hundred and seventy,—

Licenses to vendors of playing cards.

The duty of two shillings and sixpence upon a license to be taken out by any person who shall sell playing cards, not being a maker thereof;

but the enactments relating to the said duties respectively shall remain in full force and effect as to any duties which shall be owing or in arrear on the said days respectively, and also as to any offences which shall have been committed against any of the said enactments previous to the said days respectively.

4. On and after the sixth day of July one thousand eight hundred and seventy, it shall not be necessary for any person to take out a license as a dealer in plate, in order to enable him to sell watch cases which shall have been made by him.

Plate license not necessary for the sale of watch cases by the maker.

5. From and after the passing of this Act, it shall not be necessary for any person to take out an excise license as an auctioneer, in order to enable him to sell fish by auction upon the sea-shore where the same shall have been first landed.

Auctioneers license not necessary for the sale of fish upon the sea shore.

Steeping Grain for Animals.

6. It shall be lawful for any farmer in Great Britain to steep, or steep and germinate, grain to be consumed by animals, under the following conditions; that is to say,—

Farmers may steep and germinate grain to be consumed by animals.

1. He shall deliver to the officer of excise of the district a notice in writing describing the particular building or place, or buildings or places, in which he intends to steep or germinate the grain, and in which he intends to keep the grain when steeped or germinated:
2. Every such building or place shall be situate on the farm upon which the grain is to be consumed, and at a distance of a quarter of a mile at least from any malthouse, and from any kiln upon which malt or grain could be dried, or, if not so situated, shall be otherwise situate to the satisfaction of the Commissioners of Inland Revenue:
3. Every such building or place shall at all times be open to the inspection of any officer of excise:
4. The grain, after being steeped or germinated, shall not be dried or ground or crushed in any manner whatsoever:
5. The steeped or germinated grain shall be wholly consumed by animals on the farm upon which the grain shall have been steeped or germinated.

If any person shall steep or germinate any grain, or shall keep or have in his custody or possession any steeped or germinated grain, otherwise than as allowed by this section, or shall prevent or hinder any officer of excise from inspecting any building or place used or entered by him for the purpose of steeping or germinating grain, or used or entered by him for the purpose of keeping grain when steeped or germinated; or shall dry, grind, or crush, or permit or suffer to be dried, ground, or crushed, any steeped or germinated grain, contrary to the provisions of this section; or shall use or consume, or permit or suffer to be used or consumed, any

Penalty for infringing the provisions of this section.

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steeped or germinated grain, otherwise than as directed by this section, he shall forfeit all such grain and the penalty of one hundred pounds; and every person who shall be convicted of any of the offences aforesaid shall be incapable after such conviction of steeping or germinating grain under the provisions of this section.

Grant of Duties.

Grant of duties of excise in schedule (B.)

7. There shall be charged, collected, and paid, for the use of Her Majesty, her heirs and successors, the duties of excise specified in schedule (B.) to this Act; and all the provisions contained in any Act relating to excise duties, and in force at the time of the passing of this Act, shall, so far as the same are applicable, have full force and effect with respect to the said duties of excise granted by this Act.

Sugar used in brewing.

Provisions to be observed in relation to the use of sugar in brewing.

8. In addition to any enactments now in force in relation to sugar to be used by brewers of beer for sale in the brewing and making of beer, the following provisions shall have effect in relation to sugar so to be used:—

1. The brewer shall on the first day of October one thousand eight hundred and seventy enter in a book or paper to be provided by the Commissioners of Inland Revenue an account in pounds weight avoirdupois of the quantity of sugar then in his possession, and from time to time a like account of every quantity of sugar subsequently received by him, and he shall make such entry on the day on which he shall receive the sugar:
2. The brewer shall keep the said book or paper at all times in some public and open part of his entered premises ready for the inspection of the officers of excise, and he shall permit any officer of excise at any time to inspect the said book or paper, and to make any entry therein or extract therefrom, and also to take away the said book or paper, upon leaving another for the use of the brewer:
3. The brewer shall not receive any sugar except in a package containing two hundredweight of sugar at the least, unless the sugar shall be contained in the package in which it shall have been imported into the United Kingdom, and shall be in the same state as when imported:
4. The brewer shall not receive any sugar unless accompanied by an invoice or delivery note specifying the quantity and

the true name and address of the person from whom the sugar shall have been purchased:

5. The brewer shall produce and deliver to the officer of excise who shall first survey or visit his brewery after the receipt of any sugar, the invoice or delivery note which shall have accompanied such sugar, and he shall allow the officer to retain the said invoice or delivery note so long as may be necessary to enable him to compare the same with the book or paper in which the account of the sugar is required to be entered:

6. The brewer shall deposit all sugar received by him, immediately upon the receipt thereof, in the proper place entered by him for keeping or storing sugar, and shall keep the same therein, separate and apart from all other sugar, for the period of twenty-four hours from the time when such sugar shall have been so deposited, unless such sugar shall have been previously examined by an officer of excise:

7. The brewer shall permit any officer of excise at any time to take an account of the sugar in his possession, or any part thereof, and shall furnish the officer taking such account with proper scales and weights, and with such assistance as may be necessary to enable him conveniently to take such account:

8. The brewer shall not remove any sugar from his brewery, nor dispose thereof in any manner other than by dissolving the same in the mash tun or other vessel duly entered with the proper officer of excise for that purpose:

9. The brewer shall permit any officer of excise to gauge any wort or solution made from sugar, and also to take a sample or samples from such wort or solution; and if upon examination of the sample or samples it shall be found that the wort or solution contained an amount of sugar exceeding the quantity used in making such wort or solution, according to the entry made by the brewer in the proper book or paper provided for that purpose, such amount to be ascertained according to a table to be approved by the Commissioners of Inland Revenue for showing the quantity of sugar contained in any given quantity of wort or solution, according to the specific gravity thereof as ascertained by any saccharometer ordered to be used by the said Commissioners, the brewer shall be deemed to have committed an offence against this section; provided that it shall not be necessary on the trial of any information

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or other proceeding, to produce or give in evidence any order of the said Commissioners approving such table, or ordering the use of any saccharometer.

For any offence against this section the brewer shall forfeit the penalty of one hundred pounds.

A penalty of double duty to be paid upon any deficiency exceeding 2 per cent. found on taking the stock of sugar at a brewery.

9. The proper officer of excise shall keep a stock account of the sugar received and used by a brewer of beer for sale for brewing and making beer, and shall debit the brewer with the quantity of sugar received, and shall credit him with the quantities used in brewing, and if upon taking the stock at any time any officer of excise shall find that the quantity of sugar remaining in the possession of the brewer shall be less than it ought to be, the deficiency shall be deemed to have been used in the brewing and making of beer, and the brewer shall forfeit, over and above any other penalty to which he may be liable, a penalty of double the amount of duty on such deficiency according to the rate of excise duty payable on sugar used in the brewing and making of beer at the time such deficiency shall be found, but the said penalty of double duty shall not be incurred if the deficiency shall be less than a quantity equal to two per cent. upon the balance remaining at the last preceding stock taking added to the quantities subsequently received: Provided always, that in taking the account of the stock of sugar in the possession of a brewer the weight that shall at any time have been marked upon any package of sugar by any officer of customs or excise shall be deemed to be the true weight, unless such package shall have since undergone some alteration, or the officer of excise who shall take the stock shall be dissatisfied with the weight so marked.

Brewer to enter the quantity of malt and sugar intended to be used in brewing 2 hours before mashing and dissolving the same.

10. Whereas by the laws in force every brewer of beer for sale is required to enter in the book or paper provided for the purpose of his entering therein the quantity of malt and sugar intended to be used by him in the brewing of beer the particular hour of the day at which he intends to mash any malt or to dissolve any sugar: Be it enacted, that every such brewer shall also enter in the said book or paper the respective quantities of the malt and sugar intended to be used two hours at the least before the particular hour which he shall have entered in the said book or paper as the hour at which he intends to mash the malt or to dissolve the sugar, under the like penalty for any refusal or neglect to make such entry as is hereby directed to be made in such book or paper, or for cancelling, obliterating, or altering the same, as by the laws in force such brewer is

subject and liable to for any refusal or neglect to make any other entry therein, or for cancelling, obliterating, or altering any such other entry.

PART III.

As to Stamp Duties.

Duties on newspapers to cease.

11. On the first day of October one thousand eight hundred and seventy the stamp duties on newspapers shall cease and determine.

Reduction of duty on certain policies of insurance.

12. On the first day of July one thousand eight hundred and seventy the stamp duties on policies of insurance under the tenth section of the Act passed in the twenty-eighth and twenty-ninth years of Her Majesty's reign, chapter ninety-six, shall cease and determine, and in lieu thereof, on and after the first day of July one thousand eight hundred and seventy, there shall be charged and paid upon and for every policy of insurance, for any payment agreed to be made upon the death of any person, only from accident or violence, or otherwise than from a natural cause, or as compensation for personal injury, or by way of indemnity against loss or damage of or to any property, a stamp duty of one penny.

PART IV.

As to Income Tax.

Grant of duties of income tax specified in schedule.

13. There shall be charged, collected, and paid, for the use of Her Majesty, her heirs and successors, the duties of income tax specified in schedule (C.) to this Act; and all such provisions contained in any Act relating to the duties of income tax as were in force on the fifth day of April one thousand eight hundred and seventy, and are not repealed by this Act, shall have full force and effect with respect to the said duties of income tax granted by this Act, so far as the same shall be consistent with the provisions of this Act; and for the purposes of this Act the year one thousand eight hundred and sixty-two mentioned in the forty-third section of the Act passed in the twenty-fifth year of Her Majesty's reign, chapter twenty-two, shall be read as and deemed to mean the year one thousand eight hundred and seventy.

Repeal of provisions contained in 32 & 33 Vict. c. 14. ss. 6. and 7.

14. The provisions contained in the sixth and seventh sections of the Act passed in the thirty-second and thirty-third years of Her Majesty's reign, chapter fourteen, are hereby repealed.

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PART V.

As to Duties on Inhabited Houses.

Poundage to be divided between assessors and collectors.

15. The poundage now payable to collectors in respect of the amount of the duties on inhabited houses collected and paid to the proper officer for receipt shall be divided in each separate collection between the assessors and collectors in equal proportions.

Horses kept for Husbandry.

Horses kept for husbandry. 32 & 33 Vict. c. 14.

16. Whereas doubts have arisen with respect to the liability of horses or mules kept solely for the purpose of husbandry to duty, be it enacted that from and after the passing of this Act no person shall be required to take out a licence under the Act of the thirty-second and thirty-third years of the reign of Her present Majesty, chapter fourteen, for any horse or mule kept by him solely for the purpose of husbandry, on account of such horse or mule being occasionally used or employed in drawing materials for the repair of roads and highways, and whether for hire or otherwise.

SCHEDULE (A.)

Containing the Duties of Customs granted by this Act.

On and after the under-mentioned dates, in lieu of the duties of customs now charged on the articles under mentioned, the following duties of customs shall be charged thereon on importation into Great Britain or Ireland, viz.:—

On and after the second day of May one thousand eight hundred and seventy:—

		£	s.	d.
Sugar, viz.:—				
Candy, brown or white, refined sugar, or sugar rendered by any process equal in quality thereto, and manufactures of refined sugar	the cwt.	0	6	0

On and after the thirteenth day of April one thousand eight hundred and seventy:—

		£	s.	d.
Sugar not equal to refined:—				
First class	the cwt.	0	5	8
Second class	„	0	5	3
Third class	„	0	4	9
Fourth class, including cane juice	„	0	4	0
Molasses	„	0	1	9
Almonds, paste of	„	0	4	8
Cherries, dried	„	0	4	8
Comfits, dry	„	0	4	8
Confectionery, not otherwise enumerated	„	0	4	8
Ginger, preserved	„	0	4	8
Marmalade	„	0	4	8
Succades, including all fruits and vegetables preserved in sugar, not otherwise enumerated	„	0	4	8

And the said duties shall be paid on the weights ascertained at landing.

On and after the under-mentioned dates, in lieu of the drawbacks now allowed on the under-mentioned descriptions of sugar refined in Great Britain or Ireland on the exportation thereof to foreign parts, or on removal to the Isle of Man for consumption there, or on deposit in any approved warehouse, upon such terms and subject to such regulations as the Commissioners of Customs may direct for delivery from such warehouse as ships stores only, or for the purpose of sweetening British spirits in bond, the following drawbacks shall be paid and allowed; (that is to say,)

On and after the second day of May one thousand eight hundred and seventy:—

Upon refined sugar in loaf, complete and whole, or lumps duly refined, having been perfectly clarified and thoroughly dried in the stove, and being of an uniform whiteness

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	£	s.	d.
throughout, and upon such sugar pounded, crushed, or broken in a warehouse approved by the Commissioners of Customs, such sugar having been there first inspected by the officers of customs in lumps or loaves as if for immediate shipment, and then packed for exportation in the presence of such officers, and at the expense of the exporter; and upon candy - - for every cwt.	0	6	0
Upon refined sugar unstoved, pounded, crushed, or broken, and not in any way inferior to the export standard sample No. 2, approved by the Lords of the Treasury, and which shall not contain more than five per centum of moisture over and above what the same would contain if thoroughly dried in the stove - - - for every cwt.	0	5	9

And on and after the thirteenth day of April one thousand eight hundred and seventy,—

Upon sugar refined by the centrifugal or by any other process, and not in any way inferior to the export standard sample No. 1, approved by the Lords of the Treasury for every cwt.	0	6	0
Upon other refined sugar unstoved, being bastards or pieces, ground, powdered, or crushed:			
——— Not in any way inferior to the export standard sample No. 3, approved by the Lords of the Treasury - - - for every cwt.	0	5	8
——— Not in any way inferior to the export standard sample No. 4, approved by the Lords of the Treasury - - - for every cwt.	0	5	3
——— Not in any way inferior to the export standard sample No. 5, approved by the Lords of the Treasury - - - for every cwt.	0	4	9
——— Inferior to the above last-mentioned standard sample - - - - for every cwt.	0	4	0

From and after the passing of this Act, in lieu of the duties of customs now charged on the articles under mentioned, the following duties of customs shall be charged thereon upon the importation thereof into Great Britain or Ireland, viz.:—

Perfumed spirits and Cologne water, being mixed with any article so that the degree of strength cannot be ascertained by Sykes' hydrometer - - - - the gallon	0	16	6

The duties of customs now charged on tea shall continue to be levied and charged on and after the first day of August one thousand eight hundred and seventy, until the first day of August one thousand eight hundred and seventy-one, on importation into Great Britain or Ireland; that is to say,—

Tea - - - - - - - the lb.	0	0	6

SCHEDULE (B.)

Containing the Duties of Excise granted by this Act.

In lieu of the duties of excise now chargeable on sugar made in the United Kingdom, the following duties of excise shall be charged thereon; that is to say,

On and after the second day of May one thousand eight hundred and seventy:—

	£	s.	d.
Candy, brown or white, refined sugar, or sugar rendered by any process equal in quality thereto, and manufactures of refined sugar - - - - the cwt	0	6	0

On and after the thirteenth day of April one thousand eight hundred and seventy:—

Sugar not equal to refined:—

First class - - - - - the cwt.	0	5	8
Second class - - - - „	0	5	3
Third class - - - - - „	0	4	9
Fourth class - - - - „	0	4	0
Molasses - - - - - „	0	1	9

In lieu of the duty of excise now chargeable upon sugar used in brewing, there shall be charged, on and after the thirteenth day of April one thousand eight hundred and seventy, upon every hundredweight, and in proportion for any fractional part of a hundredweight, of all sugar which shall be used by any brewer of beer for sale in the brewing or making of beer, the excise duty of 7*s.* 6*d.*

SCHEDULE (C.)

Containing the Duties of Income Tax granted by this Act.

For one year, commencing on the sixth day of April one thousand eight hundred and seventy, for and in respect of all property, profits, and gains mentioned or described as chargeable in the Act passed in the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, for granting to Her Majesty duties on profits arising from property, professions, trades, and offices, the following duties shall be charged; (that is to say,)

For every twenty shillings of the annual value or amount of all such property, profits, and gains, (except those chargeable under schedule (B.) of the said Act,) the duty of fourpence.

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And for and in respect of the occupation of lands, tenements, hereditaments, and heritages, chargeable under schedule (B.) of the said Act, for every twenty shillings of the annual value thereof:—

In England, the duty of twopence, and in Scotland and Ireland respectively the duty of one penny halfpenny.

Subject to the provisions contained in section 3 of the Act 26 Victoria, chapter 22, for the exemption of persons whose whole income from every source is under 100*l.* a year, and relief of those whose income is under 200*l.* a year.

Customs and Inland Revenue.

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B I L L

[AS AMENDED IN COMMITTEE]

To grant certain Duties of Customs and Inland Revenue, and to repeal and alter other Duties of Customs and Inland Revenue.

(Prepared and brought in by Mr. Dodson, Mr. Chancellor of the Exchequer, and Mr. Stansfeld.)

Ordered, by The House of Commons, *to be Printed,* 9 *June* 1870.

[Bill 156.]

Under 2 oz.

A

B I L L

TO

Repeal certain Duties of Customs in the Isle of Man. A.D. 1870.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Customs (Isle of Man) Act, 1870." Short title.

2. After the *passing of this Act*, the duties of customs chargeable upon the articles herein-after mentioned on their being imported or brought into the Isle of Man shall cease and determine, and so much of the Act of the session of the eighteenth and nineteenth years of the reign of Her present Majesty, chapter ninety-seven, as imposed the same, is hereby repealed: Repeal of duties.

Corn, viz., wheat, barley, bear or bigg, oats, rye, peas, beans, buckwheat, maize or Indian corn, wheat meal and flour, barley meal, oat meal, rye meal and flour, pea meal, bean meal, buckwheat meal, and maize or Indian corn meal.

[Bill 84.]

Customs (Isle of Man).

A

BILL

To repeal certain Duties of Customs in the Isle of Man.

(*Prepared and brought in by Mr. Dodson, Mr. William Henry Gladstone, and Mr. Stansfeld.*)

Ordered, by The House of Commons, *to be Printed,* 21 *March* 1870.

[Bill 84.]

Under 1 *oz.*

A

B I L L

TO

Make provision for the proceedings of Boards of Management and Boards of Guardians upon the dissolution of Districts and Unions or the annexation of Parishes to Unions.

A.D. 1870.

WHEREAS it is expedient that better provision should be made for the proceedings of boards of management and boards of guardians when the districts or unions for which they have acted respectively are dissolved, or the parish for which any such board of guardians have acted shall be added to a union or to another parish:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Last acting guardians or managers to continue in office to wind up accounts.

1. When the Poor Law Board shall have dissolved or shall dissolve any district the component parts whereof shall not have been formed into one union, or shall have dissolved or shall dissolve any union, or shall have added or shall add any parish in which the relief to the poor shall be or shall have been administered by a board of guardians to a union or to another parish, the persons who were acting as managers or guardians at the time of the dissolution or addition, and the survivors of them, shall continue in office for the purpose of paying and discharging the debts and liabilities of such district, union, or parish, and of receiving and recovering moneys or other property due to the said district, union, or parish, as the case may be, in like manner as the board of management or board of guardians could have done if no dissolution or addition had taken place; and the said managers or guardians shall be empowered to make all necessary orders for contributions upon the unions and parishes comprised within the district or union so dissolved, or upon the proper authorities of the parish so added, as the case may require, and to enforce the same as the board of management or board of guardians could have done

Empowered to make orders upon parishes or unions for contributions.

A.D. 1870.

previous to the dissolution or addition respectively: provided that the limitation of time for the payment of debts imposed by the statute of the twenty-second and twenty-third Victoria, chapter forty-nine, shall not apply to the cases of districts or unions dissolved or of parishes added to a union before the passing of this Act, where such limitation had not taken effect previous to the dissolution or addition thereof as aforesaid.

May retain services of officers with salaries and for periods to be approved of by Poor Law Board.

2. The said managers or guardians may retain the services of such of the officers of the board of management or board of guardians respectively as they shall deem requisite to enable them to complete the liquidation and discharge of the debts and liabilities of the union, district, or parish, or appoint others to assist them, with such remuneration and for such time only as the Poor Law Board shall approve.

Provision for the continuance of actions, suits, or other proceedings.

3. All actions, suits, or other proceedings commenced by or against the board of management or board of guardians prior to the dissolution or addition aforesaid, may be continued by or against the said last acting managers or guardians in the name of the board of management or board of guardians, as the case may be, except where the several parts of a district shall have been or shall be formed into one union, in the manner provided for by the second section of the Metropolitan Poor Amendment Act, 1869, and all the costs incurred by or adjudged against such managers or guardians in any such action, suit, or other proceeding, and not otherwise recovered, shall be chargeable to the same fund as if the action, suit, or proceeding had been determined before the dissolution or addition.

Poor Law Board upon notice to make adjustment.

4. Upon notice from the managers or guardians, as the case may be, that all the current debts and liabilities of the district or union have been liquidated and discharged, or when the Poor Law Board shall otherwise deem it expedient, the said board shall proceed to make such adjustment of the rights and liabilities of the several unions or parishes contained in such district or union respectively, as is provided for by the thirty-second section of the Poor Law Amendment Act, 1834, and the first section of the Metropolitan Poor Amendment Act, 1869.

When union is formed out of parishes under a board of guardians the last acting guardians to continue till guardians are elected.

5. Upon the issue of the order of the Poor Law Board forming a union of two or more parishes, in which the relief to the poor has been administered by a board of guardians, the last acting guardians shall continue to administer such relief in the parish or parishes respectively until the guardians for the union shall be completely elected.

The accounts of the last acting guardians to be audited.

6. The accounts of the last acting managers or guardians and of their officers shall be audited in the like manner and for the like purpose and with the like effect and by the same auditor as if the dissolution or addition had not taken place.

Deeds and other matters relating to the relief of the poor transferred to new board of guardians.

7. All deeds, bonds, covenants, indentures, orders of justices, or other matters affecting any poor persons, apprentices, or officers entered into by or made upon or in favour of any board of guardians of a parish which shall be added to a union, shall vest in and enure to the benefit of or shall be a charge upon the guardians of the union to which such parish shall have been added without any assignment, transfer, or other act; and all securities, deeds, orders, books of account, and other documents relating thereto, shall, when required by said guardians, be delivered to them by the persons having the custody thereof.

Superannuation allowances and compensations to be paid by guardians of unions.

8. Every superannuation allowance granted by a board of guardians in conformity with the provisions of the statute applicable thereto, and every compensation ordered by the Poor Law Board to be paid to any officer by or on account of any parish, whether part of a dissolved union or not, shall, when such parish shall be added to or formed with another into a union, be paid by the guardians of such union to the person entitled thereto and charged by them to the account of such parish.

Statute 30 & 31 Vict. c. 113. s. 20. extended to a parish added to another parish to form a union.

9. The provisions contained in the twentieth section of the Poor Law Amendment Act, 1867, relating to the period of service of officers and the allowance of compensations to persons deprived of their offices, shall extend to the case of a parish which shall be united to some one or more parishes to form a union, and to the officers of such parish.

Provision for the valuations of property on dissolution, separation, or amalgamation of unions and districts.

10. When any district or union has been or shall be dissolved, or any parish has been or shall be added to or separated from a union, or any unions or parishes added to or separated from a district or part of it, or any parish has been or shall be added to another parish to form a union, and a valuation shall become requisite for the adjustment of the rights and liabilities of the districts, unions, or parishes affected thereby, such valuation shall be procured by the managers, guardians, or overseers of the districts, unions, or parishes respectively, in such manner as the parties interested shall mutually agree upon, or by the Poor Law Board in case of their not agreeing within such time as the Board shall fix, which Board shall direct the expenses incurred in procuring the same to be charged to the districts, unions, parishes, or parts thereof respectively, according as they shall be inte-

A.D. 1870.

rested therein, in such proportions as to the said board shall seem to be equitable; and every person in whose favour such direction shall have been given shall be entitled to recover the amount from the persons directed to pay the same, by action in like manner as any debt recoverable at law.

Construction of Act.

11. The words used in this Act shall be construed in like manner as in the Poor Law Amendment Act, 1834, and in the subsequent Acts amending and extending the same.

Short title.

12. This Act may be cited and described for all purposes as "The Dissolved Boards of Management and Guardians Act, 1870."

Dissolved Districts and Unions.

A

B I L L

To make provision for the proceedings of Boards of Management and Boards of Guardians upon the dissolution of Districts and Unions or the annexation of Parishes to Unions.

(*Prepared and brought in by Mr. Goschen and Mr. Arthur Peel.*)

Ordered, by The House of Commons, *to be Printed,* 11 *February* 1870.

Under 1 *oz.*

[Bill 17.]

A

B I L L

For extending to Ireland and amending "The Dividends and Stock Act, 1869." A.D. 1870.

WHEREAS by the Dividends and Stock Act, 1869, facilities were given for the payment by warrants through the post of dividends on the public stocks transferable in the books of the Governor and Company of the Bank of England, and other regulations were made respecting such dividends, and it is expedient to extend the provisions of the said Act to the dividends on the public stocks transferable in the books of the Governor and Company of the Bank of Ireland, and otherwise to amend the said Act: 32 & 33 Vict. c. 104.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Dividends and Stock Act, 1870. Short title.

2. The Dividends and Stock Act, 1869, shall apply to all stock forming part of the National Debt and transferable in the books of the Governor and Company of the Bank of Ireland, in the same manner as if the provisions thereof were enacted in this Act, and the Governor and Company of the Bank of Ireland were substituted in those provisions for the Governor and Company of the Bank of England. Extension to Ireland of 32 & 33 Vict. c. 104.

3. The Dividends and Stock Act, 1869, and this Act shall each be construed as if the Comptroller and Auditor General were mentioned in the Dividends and Stock Act, 1869, instead of the commissioners for auditing the public accounts. Amendment of 32 & 33 Vict. c. 104. s. 5.

[Bill 158.]

Dividends and Stock.

A

B I L L

For extending to Ireland and amending
"The Dividends and Stock Act, 1869."

*(Prepared and brought in by
Mr. Stansfeld and Mr. Chancellor of the
Exchequer.)*

Ordered, by The House of Commons, *to be Printed,*
10 *June* 1870.

[Bill 158.]

Under 1 *oz.*

A

B I L L

TO

Give greater facilities for the performance of Divine Worship in Parishes in Buildings licensed by the Bishop of the Diocese in which they are situated. A.D. 1870.

WHEREAS it is expedient to afford facilities for the due performance of such services as aforesaid, and in the manner by this Act authorised:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Act for facili- "tating the performance of Divine Worship in Parishes."

Bishop may direct regular performance of divine worship in licensed buildings.

2. In any parish in which there shall be any building licensed for the performance of divine service by the bishop of the diocese in which such parish is situated, where the bishop shall have ascertained it to be desirable, and where he shall have been moved thereto by parishioners of any such said parish, it shall be lawful for the said bishop to give such order and directions for the regular performance of divine worship by a clergyman of the Established Church as aforesaid, as upon inquiry he shall find to be useful and expedient.

Commencement of Act.

3. This Act shall come into operation from the day of the passing of the said Act.

Divine Worship in Licensed Buildings.

A

B I L L

To give greater facilities for the performance of Divine Worship in Parishes in Buildings licensed by the Bishop of the Diocese in which they are situated.

(*Prepared and brought in by Sir Percy Burrell and Mr. Goldney.*)

Ordered, by The House of Commons, *to be Printed*, 27 *July* 1870.

[Bill 245.]

Under 1 *oz.*

A

B I L L

TO

Confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.

A.D. 1870.

WHEREAS the Commissioners of Public Works in Ireland have, in pursuance of "The Drainage and Improvement of Lands Act (Ireland), 1863," and the Acts amending the same, duly made the provisional order contained in the schedule to this Act annexed; and it is by the said Act provided that no such order shall be of any validity whatsoever until it shall have been confirmed by Parliament, and it is expedient that the said order should be so confirmed:

26 & 27 Vict. c. 88.

Sect. 6. part 7.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provisional order in schedule confirmed.

1. The provisional order contained in the schedule hereunto annexed is hereby confirmed, and from and after *the passing of this Act* shall be deemed to be a public general Act of Parliament, of the like force and effect as if the provisions of the same had been enacted in the body of this Act.

Short title.

2. This Act may be cited for all purposes as "The Drainage and Improvement of Lands, Supplemental, Act (Ireland), 1870."

A.D. 1870.

SCHEDULE to which this Act refers.

Drainage and Improvement of Lands Act (Ireland), 1863, 26th and 27th Victoria, chapter 88, 27th and 28th Victoria, chapter 72, and 28th and 29th Victoria, chapter 52.

In the matter of the Frankford River drainage district in the King's County.

Whereas certain proprietors of and persons interested in the lands adjoining the Frankford River and tributary streams on or about the ninth day of November one thousand eight hundred and sixty-eight presented their petition to the Commissioners of Public Works in Ireland, under the provisions of the Drainage and Improvement of Lands Act (Ireland), 1863, and the Acts amending the same, accompanied by the proper schedules, maps, plans, sections, and estimates, together with other particulars and information required by the said Acts, showing, by reference to said maps, the boundaries and area of the proposed drainage district, and stating the exigencies rendering the formation of such drainage district necessary, and praying that said lands within the proposed district should be constituted a separate drainage district under the provisions of the said Acts: And whereas the said Commissioners referred the same to Samuel U. Roberts, esquire, civil engineer, an inspector duly appointed under the said Acts: And whereas all notices and inquiries required by the said Act have been duly given and made, and the said inspector has duly reported to us the said Commissioners in writing the result of his inquiries, and we the said Commissioners have duly considered the same: And whereas no objection to the said report has been made to us: And whereas all preliminaries required by the said Act to precede the making of this provisional order have been performed and complied with: And whereas we, the said Commissioners of Public Works in Ireland, upon consideration of the premises, are satisfied of the propriety of constituting the proposed separate drainage district, and that the proprietors of two third parts in value of the lands in the proposed district are in favour thereof, and have subsequently to the date of the report of said inspector assented thereto in writing:

Now, therefore, in pursuance of the power given to us by the said Acts, we, the said Commissioners of Public Works in Ireland, do, by this our provisional order under our common seal, constitute the area in the said petition and report, and the boundaries and extent of which are set forth within yellow lines on the map to which we have caused our common seal to be attached (and which map is deposited in the Office of Public Works in Ireland), a separate drainage district, by the name of "The Frankford River drainage district:"

And we do declare that the lands and other property to be purchased for or likely to be injured by the proposed works in such district (subject to such alterations or deviations therefrom as we the said Commissioners may hereafter sanction) are the lands or other property in that behalf shown and set forth in the map, and described in the schedule thereto annexed, marked with the letter B, and also sealed with our common seal:

And we, the said Commissioners of Public Works, do, by this our order, order and direct that the time for the completion of the necessary works in the said district shall be limited to the first day of October one thousand eight hundred and seventy-one:

And we do further by this our provisional order make the following regulations with respect to the Drainage Board:

That the Drainage Board for the said district shall consist of six members:

That the following persons shall be the members of the first Drainage Board; viz.:

The Right Honourable Lawrence, Earl of Rosse, of Birr Castle in the King's County:

Edward Joseph Bannon of Broughall Castle, Frankford, in the King's County, esquire:

George Whitfield of Williamsfort, Frankford, in the King's County, esquire:

John Ashton of Pigeonstown, Kennetty, in the King's County, esquire:

Toler R. Garvey of Parsonstown in the King's County, esquire:

Edward Barrett of Temora, Frankford, in the King's County, esquire:

That the first meeting of the said board shall be summoned by notice under the hands of any two or more of the said board, published in the Dublin Gazette and some newspaper generally circulated in the said district at least fourteen days next before the day of meeting:

That the qualification of any subsequent member of the said board shall be that he shall be the proprietor (as defined by the said Act and the Acts referred to therein or incorporated therewith) of not less than twenty acres of land situate within the area of the said district, or the land agent for the time being of a person being a proprietor as aforesaid of not less than one hundred acres of land situate within the area of said district, and acting as receiver of the rents and profits of such lands:

That the members of the first board shall vacate their offices on the first Thursday in September in the year following the date of this provisional order:

That the electors for members of the Drainage Board shall be the persons in that behalf mentioned in the said last-mentioned Act: Provided always, that no such elector shall be entitled to vote or exercise any privilege as such unless the lands of which he is the proprietor, or some portion thereof, shall be rateable on account of the works in the district, and he shall have previously paid all rates and arrears of rates which may be payable by him in respect of any drainage rate for the aforesaid district:

In witness whereof, we, the said Commissioners of Public Works in Ireland, have hereunto caused our common seal to be affixed, this sixteenth day of July one thousand eight hundred and sixty-nine.

L.S.

E. Hornsby,
Secretary.

Office of Public Works,
Custom House, Dublin.

Drainage and Improvement of Lands (Ireland), Supplemental.

A

B I L L

To confirm a Provisional Order under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.

(*Prepared and brought in by Mr. William Henry Gladstone and Mr. Stansfeld.*)

Ordered, by The House of Commons, *to be Printed*, 21 *March* 1870.

[Bill 83.]

Under 1 *oz.*

A

B I L L

TO

Confirm a Provisional Order under "The Drainage of Lands (Ireland) Act, 1863," and the Acts amending the same. A.D. 1870.

WHEREAS the Commissioners of Public Works in Ireland have, in pursuance of "The Drainage and Improvement of Lands Act (Ireland), 1863," and the Acts amending the same, duly made the provisional order contained in the schedule to this Act annexed; and it is by the first-mentioned Act provided that no such order shall be of any validity whatsoever until it should be confirmed by Parliament, and it is expedient that said order shall be so confirmed: Preamble. 26 & 27 Vict. c. 88. Sect. 6, Part 7.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The provisional order contained in the schedule hereto annexed is hereby confirmed, and from and after the passing of this Act shall be deemed to be a Public General Act of Parliament, of the like force and effect as if the provisions of the same had been enacted in the body of this Act. Provisional order in schedule confirmed.

2. This Act may be cited for all purposes as "The Drainage and Improvement of Lands Supplemental Act (Ireland), 1870." Short title.

A.D. 1870.

SCHEDULE to which this Act refers.

Drainage and Improvement of Lands Act (Ireland), 1863; 26 & 27 Victoria, chapter 88; 27 & 28 Victoria, chapter 72; 28 & 29 Victoria, chapter 52; and 32 & 33 Victoria, chapter 72.

In the matter of "The Douglas River Drainage District," in the County of Carlow.

Whereas certain proprietors of and persons interested in the lands upon and adjacent to the Douglas River Drainage District, on or about the Twenty-third day of October one thousand eight hundred and sixty-nine, presented their petition to the Commissioners of Public Works in Ireland, under the provisions of the Drainage and Improvement of Lands Act (Ireland), 1863, and the Acts amending the same, accompanied by the proper schedules, maps, plans, sections, and estimates, together with other particulars and information required by the said Act, showing by reference to the said maps the boundaries and the area of the proposed drainage district, and stating the exigencies rendering the formation of such drainage district necessary, and praying that the said lands within the proposed district should be constituted a separate drainage district under the provisions of the said Acts: And whereas the said Commissioners of Public Works referred the same to Samuel Usher Roberts, Esquire, civil engineer, an inspector duly appointed under the said Acts: And whereas all notices and inquiries required by the said Acts have been duly given and made, and the said inspector has duly reported to us the said Commissioners in writing the result of his inquiries; and we, the said Commissioners, have duly considered the same: And whereas no objection to the said report has been made to us: And whereas all preliminaries required by the said Acts to precede the making of this provisional order have been performed and complied with: And whereas we, the said Commissioners of Public Works in Ireland, upon consideration of the premises, are satisfied of the propriety of constituting the proposed separate drainage district, and that the proprietors of two third parts in value of the lands in the proposed district are in favour thereof, and have subsequently to the date of the report of the said inspector assented thereto in writing:

Now therefore, in pursuance of the powers given to us by the said Acts, we, the said Commissioners of Public Works in Ireland, do, by this provisional order, under our common seal, constitute the area in the said petition and report, and the boundaries and extent of which are set forth within yellow lines on the map to which we have caused our common seal to be attached (and which map is deposited in the Office of Public Works in Ireland), a separate drainage district, by the name of "The Douglas River Drainage District:"

And we, the said Commissioners of Public Works, do, by this our order, order and direct that the time for the completion of the necessary works in the said district shall be limited to the first day of October which will be in the year one thousand eight hundred and seventy-three.

A.D. 1870.

And we do further by this our provisional order make the following regulations with respect to the drainage board.

That the drainage board for the said district shall consist of six members.

That the following persons shall be the members of the first drainage board, viz:—

John James Leckey, of Ballykealy, Ballon, in the county of Carlow, Esquire, D.L.

William Clayton Browne, of Sandbrook Park, Tullow, in the county of Carlow, Esquire.

John Cornwall Brady, of Myshall, in the county of Carlow, Esquire.

Arthur Fitzmaurice, of Kelvin Grove, Carlow, in the county of Carlow, Esquire.

Lieutenant-Colonel John H. Keogh, of Kilbride, Ballon, in the county of Carlow.

James Stewart Kincaid, of Leinster Street, in the city of Dublin, Esquire.

That the first meeting of the said board shall be summoned by notice under the hands of any two or more of the said board published in the Dublin Gazette and some newspaper generally circulated in the said district at least fourteen days next before the day of meeting.

That the qualification of any subsequent member of the said Board shall be, that he shall be the proprietor (as defined by the said Act of 1863 and the Acts referred to therein or incorporated therewith) of not less than 20 acres of land, situate within the area of the said district, or the land agent for the time being of a person being a proprietor, as aforesaid, of not less than one hundred acres of land situate within the area of said district, and acting as receiver of the rents and profits of such lands.

That the members of the first board shall vacate their offices on the first Thursday in September in the year following the date of this provisional order.

That the electors for members of the drainage board shall be the persons in that behalf mentioned in the said last-mentioned Act: Provided always, that no such elector shall be entitled to vote or exercise any privilege as such unless the lands of which he is the proprietor, or some portion thereof, shall be rateable on account of the works in the district, and he shall have previously paid all rates or arrears of rates which may be payable by him in respect of any drainage rate of the aforesaid district.

In witness whereof, we the said Commissioners of Public Works in Ireland, have hereunto caused our common seal to be affixed this twenty-seventh day of June one thousand eight hundred and seventy.

E. Hornsby,
Secretary.

Office of Public Works, Dublin.

Drainage of Lands (Ireland) Supplemental.

A

B I L L

To confirm a Provisional Order under "The Drainage of Lands (Ireland) Act, 1863," and the Acts amending the same.

(*Prepared and brought in by Mr. William Henry Gladstone and Mr. Stansfel*

Ordered, by The House of Commons, *to be printed,* 8 *July* 1870.

[Bill 205.]

Under 1 *oz.*

A

B I L L

TO

Disfranchise certain Voters of the City of Dublin. A.D. 1870.

WHEREAS the Commissioners appointed by the Act passed in the session of Parliament held in the thirty-second and thirty-third years of the reign of Her present Majesty, intituled "An Act "for appointing Commissioners to inquire into the existence of corrupt "practices amongst the Freemen Electors of the city of Dublin," and by the said Act empowered and directed to make inquiry into the existence, nature, and extent of such corrupt practices, and into the conduct of all persons aiding in or abetting such corrupt practices, have, by their report, dated the third day of May one thousand eight hundred and seventy, reported to Her Majesty that the several persons named in the schedule marked H annexed to their report were guilty of corrupt practices at the election of one thousand eight hundred and sixty-eight by receiving or contracting to receive money or other valuable consideration for having given or to induce them to give their votes; that the several persons named in the schedule marked I annexed to their report were proved to have aided in or abetted corrupt practices at the election of one thousand eight hundred and sixty-eight by giving or contracting to give money or other valuable consideration to purchase or for the purpose of purchasing the votes of freemen; that the several persons named in the schedule marked L annexed to their report were guilty of corrupt practices at the election of one thousand eight hundred and sixty-eight either by stipulating for employment for reward as the consideration for their votes or as having been employed for reward for the purposes of the election, and subsequently voting at the same for the candidates on whose behalf they were so employed; that the several persons named in the schedule marked M annexed to their report aided and abetted the corrupt practices of which the persons named in the schedule marked L annexed to their report were guilty; and that the several persons named in the schedule marked N

A D. 1870.

annexed to their report were guilty of personating or aiding in the personation of freemen at the election of one thousand eight hundred and sixty-eight:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Disfranchisement of certain voters of the city of Dublin.

1. From and after the passing of this Act none of the persons so named in the said schedules, or any of them, shall at any time hereafter have the right of voting at any election of a member or members to serve in Parliament for the city of Dublin.

Evidence of report.

2. Any copy of the said report by the said Commissioners appointed for the purpose of making inquiries into the existence of corrupt practices amongst the freemen electors of the said city of Dublin, with the schedules thereunto annexed, purporting to be printed by the Queen's authority, shall, for the purposes of this Act, be deemed to be sufficient evidence of the said report and of the schedules annexed thereto.

Dublin City Voters Disfranchisement.

A

B I L L

To disfranchise certain Voters of the City of Dublin.

(*Prepared and brought in by Mr. Solicitor General for Ireland and Mr. Chichester Fortescue.*)

Ordered, by The House of Commons, *to be Printed,* 28 *June* 1870.

[Bill 184.]

Under 1 *oz.*

A

B I L L

TO

Enable the officers employed in the Collector-General of Rates' office in the city of Dublin to vote at Parliamentary Elections for that city.

A.D. 1870.

WHEREAS an Act was passed in the session of Parliament holden in the thirty-first and thirty-second years of the reign of Her present Majesty, intituled "An Act to relieve certain officers "employed in the collection and management of Her Majesty's "revenues from any legal disability to vote at the election of "members to serve in Parliament:" 31 & 32 Vict. c. 73.

And whereas the provisions of the said Act do not apply to the collector-general of rates in the city of Dublin, and to the officers and servants of the said collector-general appointed by virtue of an Act passed in the session of Parliament holden in the twelfth and thirteenth years of the reign of Her present Majesty, intituled "An Act to provide for the collection of rates in the city of Dublin:" 12 & 13 Vict. c. 91.

And whereas the said collector-general, and the officers and servants employed for the purposes of the said last-recited Act are prohibited by the twenty-fourth section of the said Act from voting at any election of a member or members to serve in Parliament for the city of Dublin:

And whereas it is expedient that such prohibition should be repealed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Collector-general of rates, and persons employed in his office, may vote at parliamentary elections for the city of Dublin.

1. From and after *the passing of this Act*, it shall be lawful for the collector-general of rates in the city of Dublin, and for the clerks, officers, and servants of the said collector-general, appointed under the provisions of the said "Act to provide for the collection of rates in the city of Dublin," to vote at any election of a member or members to serve in Parliament for the city of Dublin without incurring any penalty or forfeiture, anything contained in the said Act to the contrary notwithstanding.

Dublin Collector-General of Rates Franchise.

A

BILL

To enable the officers employed in the Collector-General of Rates' office in the city of Dublin to vote at Parliamentary Elections for that city.

(*Prepared and brought in by Mr. Monk, Sir Patrick O'Brien, Mr. Pim, and Sir John Gray.*)

Ordered, by The House of Commons, *to be Printed,* 4 *March* 1870.

[Bill 61.]

Under 1 *oz.*

A

B I L L

TO

Render valid certain Contracts informally executed in India. A.D. 1870.

WHEREAS by an Act passed in the twenty-second and twenty-third years of the reign of Her present Majesty, amending an Act passed in the twenty-first and twenty-second years of the reign of Her present Majesty, intituled "An Act for the better Government of India," it was provided that any deed, contract, or other instrument made by the authorities therein named for the purpose of disposing of real and personal estate in India vested in Her Majesty under the said last-mentioned Act, or of raising money on such real estate by way of mortgage, or of making proper assurance for that purpose, or of purchasing and acquiring any lands and hereditaments, or any interest therein, stores, goods, chattels, and other property in India, and of entering into any contracts whatsoever for the purposes of the said first-mentioned Act, may be expressed to be executed as on behalf of the Secretary of State for India in Council, by or by order of the Governor General in Council, or the Governor of Fort Saint George or of Bombay in Council: 22 & 23 Vict. c. 41.

And whereas by an Act passed in the thirty-second and thirty-third years of Her said Majesty it was recited, that certain deeds had been issued for Inam lands in the Presidency of Fort Saint George by the Inam commissioner in the execution of his office in that respect, which, by reason of certain defects in the expression of the execution thereof it was apprehended might be invalid; and provision was thereupon made by the said last-mentioned Act that the said title deeds should not be deemed invalid by reason of such defects:

And whereas it is apprehended that other deeds, contracts, and instruments made for the purpose expressed in the said first-recited Act, besides such title deeds as aforesaid, may be invalid or deemed invalid for the like reason, and such provision as aforesaid should therefore be made more general:

[Bill 186.]

A.D. 1870.

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Deeds, contracts, and instruments executed in India valid notwithstanding certain defects of execution.

1. Every deed, contract, or other instrument made in India for the purposes and by the authorities expressed in the said first-recited Act up to the date of *the passing of this Act*, and for any further period within the limit of *one year* to which the Governor General in Council may deem it advisable to extend the operation of this Act, which is expressed to be executed by or by order of or on behalf of the Governor General of India in Council, the Governor of Fort Saint George in Council, or the Governor of Bombay in Council, or by any Lieutenant-Governor or Chief Commissioner, or any other officer for the time being entrusted with the government, charge, or care of any presidency, province, or district of British India within the limits of their respective governments, provinces, or districts, and every deed, contract, or other instrument so executed in British India by any person authorized in this behalf by the Secretary of State for India in Council, shall be and be deemed to have been as valid as if it had been executed in conformity with the provisions of the said first-recited Act; provided that such deed, contract, or other instrument has been in other respects duly executed according to the law in force at the date of its execution.

Power to authorities in India to vary forms of execution.

2. It shall be lawful for the Governor General, by resolution in Council, from time to time to vary the form of execution prescribed by the said first-recited Act for the deeds, contracts, and other instruments to which it relates, and to empower such authorities as to him may seem expedient to vary it within the respective limits of their local jurisdiction; and deeds, contracts, and other instruments executed according to forms so altered shall have in all respects the like validity as if they had been executed according to the provisions of the said first-recited Act.

A

B I L L

TO

Make better provision for making laws and regulations for certain parts of India, and for certain other purposes relating thereto. A.D. 1870.

WHEREAS it is expedient that provision should be made to enable the Governor General of India in Council to make regulations for the peace and good government of certain territories in India, otherwise than at meetings for the purpose of making laws and regulations held under the provisions of The Indian Council's Act, 1861, and also for certain other purposes connected with the Government of India:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to Executive Government of British India to make regulations for certain parts thereof.

1. Every governor of a Presidency in Council, lieutenant governor, or chief commissioner, whether the governorship, or lieutenant governorship, or chief commissionership be now in existence or may hereafter be established, shall have power to propose to the Governor General in Council drafts of any regulations, together with the reasons for proposing the same, for the peace and government of any part or parts of the territories under his government or administration to which the Secretary of State for India shall from time to time by resolution in council declare the provisions of this section to be applicable from any date to be fixed in such resolution.

And the Governor General in Council shall take such drafts and reasons into consideration; and when any such draft shall have been approved of by the Governor General in Council, and shall have received the Governor General's assent, it shall be published in the "Gazette of India" and in the local "Gazette," and shall thereupon have like force of law and be subject to the like dis-

A.D. 1870.

allowances as if it had been made by the Governor General of India in Council at a meeting for the purpose of making laws and regulations.

The Secretary of State for India in Council may from time to time withdraw such power from any governor, lieutenant governor, or chief commissioner, on whom it has been conferred, and may from time to time restore the same as he shall think fit.

Copies of regulations to be sent to Secretary of State.

Subsequent enactments to control regulations.

2. The Governor General shall transmit to the Secretary of State for India in Council an authentic copy of every regulation which shall have been made under the provisions of this Act; and all laws or regulations hereafter made by the Governor General of India in Council, whether at a meeting for the purpose of making laws and regulations, or under the said provisions, shall control and supersede any regulation in anywise repugnant thereto which shall have been made under the same provisions.

Lieutenant governors and chief commissioners to be members ex officio of the Governor General's Council for the purpose of making laws and regulations.

3. Whenever the Governor General in Council shall hold a meeting for the purpose of making laws and regulations at any place within the limits of any territories now or hereafter placed under the administration of a lieutenant governor or a chief commissioner, the lieutenant governor or chief commissioner respectively shall be ex officio an additional member of the council of the Governor General for that purpose, in excess (if necessary) of the maximum number of twelve specified by the said Act.

Repeal of 3 & 4 W. 4. c. 85. s. 49.

4. Section forty-nine of the Act of the third and fourth years of King William the Fourth, chapter eighty-five, is hereby repealed.

Procedure in case of difference between the Governor General and the majority of his council.

5. Whenever any measure shall be proposed before the Governor General of India in Council whereby the safety, tranquillity, or interests of the British possessions in India, or any part thereof, are or may be, in the judgment of the said Governor General, essentially affected, and he shall be of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority in council then present shall dissent from such opinion, the Governor General may, on his own authority and responsibility, suspend or reject the measure in part or in whole, or adopt and carry it into execution, but in every such case any two members of the dissentient majority may require that the said suspension, rejection, or adoption, as well as the fact of their dissent, shall be notified to the Secretary of State for India, and such notification shall be accompanied by copies of the minutes (if any) which the members of the council shall have recorded on the subject.

A.D. 1870.

Power to appoint natives of India to certain offices without certificate from the Civil Service Commissioners.

6. Whereas it is expedient that additional facilities should be given for the employment of natives of India in the civil service of Her Majesty in India: Be it enacted, that nothing in the "Act "for the government of India," twenty-one and twenty-two Victoria, chapter one hundred and six, or in the "Act to confirm certain "appointments in India, and to amend the law concerning the civil "service there," twenty-four and twenty-five Victoria, chapter fifty-four, or in any other Act of Parliament or other law now in force in India, shall restrain the authorities in India by whom appointments are or may be made to offices, places, and employments in the civil service of Her Majesty in India from appointing any native of India to any such office, place, or employment, although such native shall not have been admitted to the said civil service of India in manner in section thirty-two of the first-mentioned Act provided, but subject to such rules as the Governor General in Council may from time to time prescribe, and under the sanction of the Secretary of State in Council, with the concurrence of a majority of members present; and that for the purpose of this Act the words "natives of India" shall include any person born and domiciled within the dominions of Her Majesty in India, of parents habitually resident in India, and not established there for temporary purposes only; and that it shall be lawful for the Governor General in Council to define from time to time more particularly the qualification of natives of India thus expressed; provided that every resolution made by him for such purpose shall be subject to the sanction of the Secretary of State in Council, and shall not have force until it has been laid for thirty days before both Houses of Parliament.

East India (Laws and Regulations).

A

BILL

To make better provision for making laws and regulations for certain parts of India, and for certain other purposes relating thereto.

(*Prepared and brought in by Mr. Grant Duff and Mr. Adam.*)

Ordered, by The House of Commons, *to be Printed,* 14 *February* 1870.

[Bill 27.]

Under 1 *oz.*

Ecclesiastical Dilapidations Bill. [H.L.]

(No. 2.)

ARRANGEMENT OF CLAUSES.

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25. Foregoing provisions to apply to deans and canons.
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27. Works to be prescribed.
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As to vacant benefices.

30. Inspection of buildings of a benefice on a vacancy; notice to officiating clergyman.
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43. Repairs to be executed within eighteen months.
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Execution of Works.

45. Upon execution of works money to be paid by governors on receipt of surveyor's certificate.
46. Final certificate of completion of works.
47. Protection to incumbent from further liability on condition of his insuring.
48. Payment of surveyor for inspection and certificates.
49. Benefice becoming vacant during repairs, liability of outgoing incumbent or his representatives.

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50. Execution of works other than those specified in surveyor's report. Special certificate of surveyor.

51. Where such additional works do not render impracticable or unnecessary all the works specified in the report.

52. Postponement of works may be allowed on payment of a sum to meet probable further dilapidations.

53. No sum recoverable for dilapidations except on a surveyor's report.

As to Insurance.

54. Insurance of buildings of a benefice by the incumbent.

55. Filing of annual receipts for the premium.

56. Sums received from insurance office on destruction of buildings by fire to be expended in restoring them, and to be in the meantime paid into Queen Anne's Bounty.

57. Destruction of buildings not insured. Cost of restoring to be paid by the incumbent, and to be recoverable by sequestration.

Miscellaneous.

58. Providing for case of buildings of benefice when let on lease.

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60. Remedy on death of incumbent.

61. Moneys paid to bishop by succeeding incumbent to be a debt due from prior incumbent.

62. Form of security.

63. Incumbent to furnish particulars of the value of the benefice. Patron and ordinary to consent.

64. Provisions of Gilbert Acts to apply to the securities.

65. Moneys standing to the credit of a dilapidation account to be invested. Application of income. Payment of expenses.

66. Providing for death or change of surveyor during repairs.

67. Power of surveyor, &c. to enter and inspect, &c. at seasonable times.

68. Limitation, &c. of actions.

69. Form of bishop's order and delivery of notices.

70. Existing incumbents (if the bishop consents) not liable to dilapidations for substitution of buildings of equal or greater value. No existing incumbent liable for dilapidations as to

Clauses.

buildings pulled down by prior incumbents unless amounts recoverable from prior incumbent.

71. Not to affect existing powers of bishop, &c.

72. Saving the Gilbert Acts.

Schedules.

A

B I L L

INTITULED

An Act for the Amendment of the Law relating to Ecclesiastical Dilapidations. A.D. 1870.

Note.—*The words printed in red ink are proposed to be inserted in Committee.*

WHEREAS as well for the better sustentation of houses of residence, chancels, and other buildings which incumbents of ecclesiastical benefices and other ecclesiastical persons are by law or custom bound to maintain in repair, as also for the relief of such persons and their representatives, it is expedient to amend the law relating to ecclesiastical dilapidations:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as "The Ecclesiastical Dilapidations Act, 1870," and shall come into operation as on and from the first day of January one thousand eight hundred and seventy-one, which day is in this Act referred to as "the commencement of this Act." Short title.

2. This Act shall not extend to Scotland or Ireland. Extent.

3. The term "benefice" in this Act shall comprehend all rectories with cure of souls, vicarages, perpetual curacies, donatives, endowed public chapels, and parochial chapelries, and chapelries or districts belonging or reputed to belong, or annexed or reputed to be annexed, to any church or chapel. Explanation of terms.

The term "surveyor" shall mean the official surveyor elected under this Act, except where otherwise described.

The term "governors" shall mean the Governors of the Bounty of Queen Anne for the augmentation of the maintenance of the poor clergy.

The term "the archdeacon" shall mean the archdeacon of the archdeaconry within which the benefice is situated with regard to which the provisions of this Act are sought to be applied.

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The term "the rural dean" shall mean the rural dean of the rural deanery within which the benefice is situated with regard to which the provisions of this Act are sought to be applied.

What included as buildings.

4. The provisions of this Act respecting buildings belonging to benefices shall apply to all such houses of residence, chancels, walls, fences, and other edifices and things as the incumbents of the respective benefices are by law or custom bound to maintain in repair.

Building out of diocese.

5. For the purposes of this Act any building belonging to a benefice shall be deemed to be within the diocese of the bishop under whose jurisdiction the benefice is, although the building be not in fact locally situate within that diocese.

Vacancy of see, &c.

6. During the vacancy of a see the powers under this Act which may be exercised by a bishop shall be exercised by the guardian of the spiritualities of the diocese. Where a bishop is disabled from exercising in person the functions of his office, those powers shall be exercised by the person lawfully empowered to exercise his general jurisdiction in the diocese.

Archbishops.

7. The powers which may be exercised under this Act by bishops shall be exercised by the archbishops in relation to their respective dioceses.

Surveyors of Dilapidations.

Surveyors for each diocese.

8. Within three months after the commencement of this Act, and from time to time afterwards within three months from the occurrence of any vacancy in the office of surveyor, a surveyor or surveyors of ecclesiastical dilapidations shall be appointed in each diocese by the archdeacons and rural deans of such diocese, assembled at a meeting convened for that purpose, at which the bishop of the diocese, or in his absence the senior archdeacon present, as to the date of his appointment as archdeacon, shall preside. The appointment so made shall be for five years from the date thereof, and the person appointed shall be re-eligible. Every such appointment shall be subject to the approval of the bishop of the diocese, who shall also have power at any time to remove the surveyor.

Their successors.

9. On the death, resignation, or removal from office of any such surveyor another fit person may in like manner be appointed, to be in like manner removeable.

Payment of surveyors by fixed rate of charges.

10. The surveyors shall be paid according to a rate of charges, and not by way of salary, and such charges, and also the fees of bishops

secretaries and registrars for work done in pursuance of this Act, shall be fixed in each diocese by the bishop, the archdeacon or archdeacons, and the chancellor for the time being of such diocese, and they may from time to time, at periods not exceeding five years, revise and alter such rate of charges and fees, but if any such alteration of surveyors charges be made after the buildings belonging to any benefice shall have been inspected pursuant to this Act by a surveyor, the charges of such surveyor for such inspection, and for all subsequent proceedings after such inspection with reference thereto, shall be according to the rate of charges in force at the time of making such inspection.

Surveyor not to be interested in contracts.

11. It shall not be lawful for any such surveyor to be beneficially interested, directly or indirectly, by himself or by any partner or otherwise, in any work or contract to be executed or entered into by any person or persons (except any public company of which he may happen to be a member or shareholder) under the provisions of this Act.

Inspections at other times than when a Benefice is vacant.

Inspection may be ordered at request of archdeacon, rural dean, patron, or incumbent.

12. At any time and from time to time after the commencement of this Act, it shall be lawful for the bishop, on the complaint in writing of the archdeacon, or of the rural dean, or of the patron of a benefice, that the buildings of the benefice are in a state of dilapidation, or at the request of the incumbent, to direct a surveyor for the diocese to inspect the buildings of the benefice, or any one of them: Provided always, that a copy of such complaint shall be forwarded by the bishop to the incumbent, or the sequestrator, if any, one calendar month before such survey shall be ordered.

As to a benefice under sequestration.

13. If a benefice at the time of the commencement of this Act or at any time afterwards be under sequestration, the bishop may as to any benefice under sequestration at the time of the commencement of this Act, and shall as to any other benefice within the first year after the sequestration shall have issued, direct a surveyor to inspect as aforesaid, and such inspection shall be renewed in every succeeding fifth year.

Form of report and service on incumbent.

14. As soon as conveniently may be, and within one month after inspection, the surveyor shall deliver to the bishop a report of the result of the same, and shall send a copy to the incumbent, or to the sequestrators, if any.

Its contents.

15. Where, in the opinion of the surveyor, founded on such inspection, any works are needed for putting into repair any dilapi-

A.D. 1870.

dated building belonging to a benefice, he shall in his report state,—

1. What works are so needed; specifying the same in detail, and stating whether the dilapidations have resulted from the neglect of the existing incumbent:
2. What he estimates to be the probable cost of such works:
3. At or within what time or times such works respectively ought to be executed.

Objections by incumbent, and reference thereon.

16. The incumbent, or the sequestrator, if any, may within one month after the sending the said copy lay before the bishop in writing any objections he may entertain to the report, and the bishop shall decide thereupon, with or without a fresh inspection by a surveyor, and give to the complainant his decision in writing:

If no objections to the report shall be made, then, at the end of the period limited for making objections thereto, the report shall be final; and if objections shall have been made, then the report, as modified by the bishop's decision, shall be final.

Incumbent may borrow from the governors.

17. It shall be lawful for the incumbent to borrow and for the governors, if they shall think fit, upon his request and with the consent of the bishop and patron, to lend upon the security of the possessions of the benefice,—

(1.) The whole or any part of the sum stated in the final report as the cost of the works:

(2.) Such sum as the governors shall think fit in respect of costs and expenses.

The governors to keep a dilapidation account.

18. The sum (if any) lent by the governors shall be placed in their books to the credit of an account to be entitled "The Dilapidation Account of *A.B.*, incumbent of ," and out of the said sum the governors shall forthwith pay and discharge the costs and expenses of and incidental to the preparation and completion of the security.

Incumbent to execute works.

19. Subject to any modification made by the bishop in his decision, it shall be the duty of the incumbent to execute the repairs prescribed in the surveyor's report in the manner and at or within the time or times therein prescribed, or within such extended time or times as the bishop shall by writing under his hand direct; and the modifications (if any) made by the bishop shall, for the purposes of this Act, be deemed part of the original report.

Sequestrators to pay dilapidation moneys to the governors.

20. In the case of a benefice under sequestration the sum stated in the final report as the cost of the works shall be a charge upon the moneys from time to time received by the sequestrators in

respect of the profits or income of the benefice in priority to all other charges, except the stipends of the curate or curates appointed to perform the duties attaching to the benefice, and the sequestrators shall so long as the sequestration shall remain in force pay so much of such profits as shall remain in their hands after payment of the said stipends to the governors until the whole of the sum stated shall have been paid.

Application of money paid by sequestrators.

21. Moneys paid to the governors in respect of a benefice under sequestration shall be placed on their books to the credit of an account of *A.B.* and *C.D.*, sequestrators of . The surveyor shall cause the repairs to be executed, and they shall be paid for out of the moneys standing to the credit of the said account in like manner as is herein provided in the case of repairs to be executed by an incumbent, and if any further moneys shall be required for the completion of the repairs, the same shall be paid by the sequestrators out of the profits or income of the said benefice.

Proviso in case archdeacon or patron make complaint of want of repairs.

22. Provided always, that, if, where complaint shall be made, on the request of the archdeacon, or of the rural dean, or of the patron of the benefice, of the want of repair, the incumbent shall, within fourteen days after notice of such complaint shall have been given as aforesaid, inform the bishop in writing that he intends forthwith to put his buildings in proper repair, the surveyor shall take no further step therein at that time, but the incumbent shall forthwith proceed to do the necessary repairs, and at the end of nine months after the notice given by him shall prove by vouchers the payments which he has made since such notice in making such repairs, and shall within the same period transmit such vouchers to the bishop; and thereupon the bishop shall, if he deem it necessary, direct the surveyor to inspect and report upon such repairs; and if he shall report that further repairs are necessary, then the powers of this Act shall or may be put in force in like manner as if the incumbent had not given notice that he intended himself to do the repairs.

Execution of works on neglect, &c. of incumbent.

23. If any incumbent shall refuse or neglect duly to execute in the prescribed manner, and at or within the prescribed time or times, any prescribed repairs, it shall be lawful for the bishop to procure from some competent person an estimate of the cost of such works, and to authorise the execution thereof, and to raise the amount of such estimate, if not otherwise provided by the incumbent, together with all costs incurred by the bishop in relation thereto, by sequestration of the profits of the benefice.

A.D. 1870.

The estimate procured by the bishop, when certified by him, shall be conclusive evidence of the propriety and correctness of the estimate, and of the amount required to be raised.

Avoidance of benefice not to affect report, &c.

24. No report, order, or proceedings thereunder shall be affected by a vacancy occurring in the benefice before the commencement or pending the execution of the works prescribed by the report, but such report shall be acted on as if such vacancy had not occurred.

Houses of Residence of Archbishops, Bishops, Deans, and Canons.

Foregoing provisions to apply to deans and canons.

25. All the provisions of this Act respecting incumbents, and the buildings belonging to their respective benefices, shall be construed to apply to deans and canons of cathedral and collegiate churches, and to such buildings belonging to their respective deaneries and canonries as shall not by competent authority have been condemned and ordered to be taken down, and as they are by law or custom bound to maintain in repair at their own personal cost.

Archbishop or bishop may require inspection.

26. At any time after the commencement of this Act, it shall be lawful for any archbishop or bishop to employ any surveyor, approved for the purpose by the Ecclesiastical Commissioners for England, to inspect and examine any house of residence or other building belonging to the see of such archbishop or bishop, which he is by law or custom bound to maintain in repair at his own personal cost.

Works to be prescribed.

27. Where, in the opinion of the surveyor, founded on any such inspection, any works are needed for putting into a proper state of repair the house of residence or other building inspected, he shall report what works are so needed, and at or within what time or times such works or any particular part or parts thereof ought to be executed.

Evidence of execution of works.

28. A certificate of the surveyor that such works have been duly executed, which shall be registered in the registry of the province in duplicate, and one of the duplicates whereof shall be delivered or sent by the registrar to the archbishop or bishop, as the case may be, to whose see the certificate relates, shall be conclusive evidence of the due execution of such works.

Protection of archbishops or bishops from further liability.

29. If such archbishoprick or bishoprick shall become vacant within the period of five years, the archbishop or bishop shall not as to such house of residence be liable to any claim for dilapidations in respect of such archbishoprick or bishoprick either under this Act or at the suit of the succeeding archbishop or bishop independently of this Act, except for wilful waste and loss or damage

by fire; but this exemption from liability shall be subject to the like condition in regard to insurance against fire as is contained in the forty-seventh section in the case of the incumbent of a benefice. A.D. 1870.

As to vacant Benefices.

Inspection of buildings of a benefice on a vacancy; notice to officiating clergyman.

30. Within three calendar months after the avoidance of any benefice after the commencement of this Act, unless the late incumbent shall under this Act be free from all liability to dilapidations, the surveyor shall inspect the buildings of such benefice, and report to the bishop what sum, if any, is required to make good the dilapidations to which the late incumbent or his estate is liable.

Report of inspection to be sent to bishop, new incumbent, and late incumbent, or his representatives.

31. Within one month after the inspection the surveyor shall deliver to the bishop a report of the result of the same, and shall send a copy of the report to the new incumbent forthwith (or as soon as he shall have been instituted or admitted), and a copy also to the late incumbent, his executors or administrators. The surveyor shall certify to the bishop when and to whom and in what manner each copy was sent.

Contents of report.

32. The report shall state what works, if any, are, in the opinion of the surveyor, needed, specifying the same in detail, and stating whether the dilapidations, or any and which of them, have resulted from any other cause than the neglect of the late incumbent, and may state any special circumstances, and shall state what sum, in the opinion of the surveyor, will be required to make good the dilapidations.

Objections to the report.

33. The new incumbent or the late incumbent, his executors or administrators, may state in writing to the bishop, objections to the report on any grounds of fact or law, and in such case the bishop may, if he shall think fit, at the expense of the party objecting, direct a second report to be made by another surveyor, or take the opinion of counsel upon any question of law.

Time for objecting.

34. Such objections shall be transmitted to the bishop within one calendar month after the sending of the copy of the report to the party by whom they are made, but the bishop may receive an objection transmitted at a later period if for any special reason he shall think fit to do so.

The bishop to make an order

35. The bishop shall in uncontested cases, as soon as conveniently may be after the time for the transmission of objections has expired, and in contested cases after consideration of the whole matter, make an order stating the repairs and their cost for which the late incumbent, his executors or administrators, is or are liable.

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Delivery of bishop's order.

36. The order shall be signed by the bishop in triplicate, and he shall send one copy to the new incumbent, another to the late incumbent, his executors or administrators, and the other to the registrar of the diocese, to be filed in the registry, and the registrar shall send a copy thereof to the governors.

Sum payable for dilapidation to be a debt due.

37. The sum stated in the order as the cost of the repairs shall be a debt due from the late incumbent, his executors or administrators to the new incumbent, and shall be recoverable as such at law or in equity.

The new incumbent to pay over the dilapidation money to the governors.

38. So soon as the new incumbent shall recover the said sum or any part thereof he shall forthwith pay the amount recovered to the governors; and if and whenever he shall recover any further part of the said sum he shall in like manner forthwith pay to the governors the further part so recovered.

The governors may advance money on the security of the benefice.

39. It shall be lawful at any time for the new incumbent to borrow, and for the governors, if they shall think fit, upon his request and with the consent of the bishop and patron, to lend, upon the security of the possessions of the benefice—

(1.) The whole or any part which the governors shall not have received from the new incumbent of the sum stated in the order as the cost of the repairs; and

(2.) Such sum as the governors shall think fit in respect of costs and expenses.

The governors to keep a dilapidation account.

40. The amount received by the governors from the new incumbent, together with the sum (if any) lent by them to him as aforesaid, shall be placed in their books to the credit of an account to be entitled "The Dilapidation Account of *A.B.*, incumbent of ;" and from the sum (if any) so lent by them they shall forthwith pay and discharge the costs and expenses of and incidental to the preparation and completion of the security.

New incumbent to pay the balance to the governors.

41. The new incumbent shall, within six calendar months next after the date of the order (or within such extended period as hereinafter mentioned), pay to the governors, to be carried to the credit of the said account, such sum (if any) as, together with the sums theretofore carried to the credit of the said account, will make up the sum stated in the order as the cost of the repairs.

Extension of time within which such

42. The bishop, if from any special circumstances he think fit, may, upon the application of the new incumbent, enlarge the period within which such incumbent is required to pay such last-

mentioned sum for any period not exceeding twelve months from the date of the order, and may authorise the payment of such amount, either in one sum or by instalments, of such amounts and on such days (not being beyond the end of such twelve months) as the bishop shall determine.

payment must be made.

43. The new incumbent shall cause the repairs specified in the order to be executed within eighteen months after the date of the order.

Repairs to be executed within 18 months.

44. If the moneys payable under this Act to the governors by the new incumbent of any benefice shall not be paid by such incumbent before the expiration of the time specified in this Act for such payment to be made, the governors shall give notice thereof to the bishop, and it shall be lawful for the bishop to raise the amount thereof by sequestration of the profits of the benefice.

Payment of money to governors of Queen Anne's Bounty by new incumbent may be enforced by sequestration.

Execution of Works.

45. Where money is standing to the credit of the dilapidation account of an incumbent required by this Act to execute repairs, such repairs shall be paid for as follows; that is to say, when and as the surveyor shall inspect the works in progress, and shall certify that a specified sum ought to be paid to any person or persons in respect of such works, such certificate shall, when countersigned by the bishop, be delivered to the governors, who shall, on the receipt of such certificate, cause the amount therein specified to be paid to the person or persons named therein as entitled to receive the same out of the moneys standing to the credit of the said dilapidation account, and so, from time to time, until the whole of the repairs shall have been executed, or the moneys standing to the credit of the said account shall have been exhausted, and if any further moneys shall be required for the completion of such repairs the same shall be paid by the incumbent.

Upon execution of works money to be paid by governors on receipt of surveyor's certificate.

46. When the repairs shall have been finished the surveyor, if the same shall be completed to his satisfaction, shall give a certificate of the same having been completed, which certificate shall be in triplicate, and one of the triplicates shall be delivered to the incumbent or the sequestrators, another registered in the registry of the diocese, and the third delivered to the governors, and such certificate shall be conclusive evidence of the due execution of the prescribed works.

Final certificate of completion of works.

47. No further or subsequent report shall be made as to the buildings belonging to the benefice, and specified in the last-

Protection to incumbent from further

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mentioned certificate (except at the request of the incumbent himself), before the end of five years from the filing of the said certificate.

Liability on condition of his insuring.

If such benefice shall become vacant within such period of five years, the incumbent or his representatives shall not be liable to any claim for dilapidations in respect of the buildings specified in the certificate, except for wilful waste.

The exemption from liability under this present section shall in no case apply to loss or damage by fire where the incumbent at the time of filing the certificate of the due execution of the works shall not have insured, to the satisfaction of the governors, the house of residence and buildings belonging to the benefice in some fit office against loss or damage by fire, in at least three fifths of the value thereof, and who shall not keep such house and buildings so insured during such period of five years or until the earlier avoidance of the benefice.

Payment of surveyor for inspection and certificates.

48. The charges of the surveyor for his inspections and reports and certificates, including his final certificate made or given by him under the provisions of this Act, and also the fees of the bishops, secretaries and registrars, shall, except as otherwise provided by this Act, be paid by the incumbent liable to execute the repairs, or by the sequestrators, and shall be a debt due from him or them to the surveyor, and recoverable as such in law and equity. The sum, if any, which shall have been advanced by the governors for the surveyor's charges shall be paid by them to the incumbent.

Benefice becoming vacant during repairs, liability of outgoing incumbent or his representatives.

49. If an inspection shall have been made of any benefice under this Act, and the incumbent liable to execute the repairs shall vacate such benefice before the surveyor shall have signed a certificate of the completion of the prescribed repairs, such incumbent, his executors or administrators, shall be liable to the payment of all moneys in respect of such repairs (not previously paid by him to the governors in respect thereof), and of the surveyor's inspection, report, and certificate, which such incumbent would respectively have been liable to pay in case he had not vacated, which moneys, or such part thereof as the bishop shall direct, shall be a debt due from such incumbent, his executors or administrators, to the next incumbent, and shall be recoverable as such at law or in equity; and such next incumbent, whether he shall recover the same or not, shall be liable to pay all such moneys in the same manner as his predecessor in such incumbency would have been liable thereto in case he had continued to be the incumbent of such benefice.

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Execution of works other than those specified in surveyor's report. Special certificate of surveyor.

50. If the new incumbent liable to execute repairs shall be desirous of altering or remodelling the buildings belonging to the benefice, or any of them, or of rebuilding the same or any of them, so as to render such repairs or any of them impracticable or unnecessary, it shall be lawful for such incumbent, with the consent of the bishop and patron, to execute the proposed works in lieu of such repairs; and in such case the surveyor shall, upon the completion of such works to his satisfaction, give a special certificate, certifying that the same have been completed, which certificate shall be signed in triplicate, and one of such triplicates shall be delivered to the incumbent, and another to the bishop, who shall cause the same to be registered in the registry of the diocese, and another to the governors, and such certificate shall have the same effect as a certificate of the completion of the works specified in the order; and after the filing of such certificate the incumbent shall be entitled to be repaid by the governors the amount, if any, standing to the credit of his dilapidation account.

Where such additional works do not render impracticable or unnecessary all the works specified in the report.

51. If such additional or substituted works shall not render the whole of such repairs impracticable or unnecessary, then so much of such last-mentioned money as the surveyor shall certify to be necessary for the execution of the repairs not so rendered impracticable or unnecessary shall be retained by the governors and shall be dealt with, as regards certificates and otherwise, in the same manner as if the repairs not so rendered impracticable or unnecessary had been the only repairs specified in the order, and the remainder of such moneys shall be repaid to the incumbent upon the filing of the special certificate.

Postponement of works may be allowed on payment of a sum to meet probable further dilapidations.

52. If an incumbent liable to execute repairs desire to defer the execution thereof for a limited period (not extending beyond the period of his incumbency), and the surveyor shall certify in writing that such postponement may be safely made, the bishop may authorise such postponement, and may require the incumbent to pay to the governors such a sum, annually or in gross, as shall be certified by the surveyor to be proper to meet probable further dilapidations, and the moneys so paid shall be carried to the credit of his dilapidation account; but if the benefice shall be vacated during the period of postponement, the outgoing incumbent, his executors or administrators, shall not be entitled to be repaid any part of such additional moneys, but he or they shall not be subject to any further claim for dilapidations, and in case of such vacancy the balance standing to the credit of his dilapidation account, together with the arrears, if any, which may be due from him, shall be deemed to be the sum

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recoverable from him, his executors or administrators, and shall be carried to the credit of the dilapidation account of his successor.

No sum recoverable for dilapidations except on a surveyor's report.

53. No sum shall be recoverable for dilapidations in respect of any benefice becoming vacant after the commencement of this Act, and to which this Act shall be applicable, unless the claim for such sum be founded on an order made under the provisions of this Act.

As to Insurance.

Insurance of buildings of a benefice by the incumbent.

54. The incumbent of every benefice shall insure, and during his incumbency keep insured, the house of residence and farm and other buildings for the time being standing on the lands belonging to such benefice, and the outbuildings and offices respectively belonging thereto, and also the chancel of the church when the incumbent is liable to repair the chancel, against loss or damage by fire, in some office or offices for insurance against loss or damage by fire, to be selected by such incumbent, subject to approval by the bishop, for such amount (either in one sum or in several sums) as the surveyor shall certify as sufficient.

Filing of annual receipts for the premium.

55. Every such insurance shall be effected in the joint names of the incumbent and the governors, and the incumbent shall cause the receipt for the premium for such insurance for each year to be deposited in the bishop's registry within twenty-one days next after the same shall become payable; and the following questions shall be added to those annually sent to incumbents under the provisions of the Act of the session of the first and second years of Her Majesty, chapter one hundred and six, that is to say, "In what office and for what amount are the buildings of your benefice insured against fire?" and "What was the amount and date of the last annual payment for such insurance?"

Sums received from insurance office on destruction of buildings by fire to be expended in restoring them, and to be in the meantime paid into Queen Anne's Bounty.

56. In case any building belonging to any benefice, and insured in pursuance of this Act, shall be destroyed or damaged by fire, and the office in which the same shall be insured shall elect to pay the sum insured instead of causing the buildings to be reinstated at the expense of the office, the sum so paid, together with any further sum which may be necessary, shall be forthwith expended in reinstating and making good, to the satisfaction of the surveyor, the buildings which shall have been so destroyed or damaged; and the sum so paid by the insurance office shall be paid to the governors and dealt with in the same manner as moneys standing to the credit of a dilapidation account.

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Destruction of buildings not insured.

57. If, when any building belonging to a benefice shall be destroyed or damaged by fire, such building shall not be insured against loss or damage by fire for an amount sufficient to reinstate and make good the same, the surveyor shall give to the bishop a certificate in writing (in duplicate), signed by such surveyor, specifying the sum which, in his opinion, shall be required for reinstating the buildings so destroyed or damaged, one of which duplicates the bishop shall cause to be filed in the bishop's registry, and the other of such certificates to be sent to the incumbent, and the incumbent of the benefice shall pay the amount so specified to the governors within three calendar months next after the date of such certificate, to be held in trust for the benefice; and if such amount shall not be so paid, it shall be lawful for the bishop, at any time after the end of such three calendar months, to raise the same (or so much thereof as shall not be so paid) by sequestration of the profits of the benefice; and the amount so raised shall in like manner be paid to the governors, in trust for the benefice, and the incumbent shall cause the buildings so destroyed or damaged to be forthwith reinstated, and the cost thereof shall be paid as the works progress, out of the amount so paid to the governors, on certificates of a surveyor, in the manner herein-before specified in regard to repairs directed to be executed by a new incumbent.

Cost of restoring to be paid by the incumbent, and to be recoverable by sequestration.

Miscellaneous.

Providing for case of buildings of benefice when let on lease.

58. The provisions contained in this Act in regard to buildings standing on the lands belonging to any benefice shall not be applicable to the buildings (if any) belonging to the benefice, which shall be comprised in any lease, for years or lives, for the time being subsisting, so long as such lease shall be subsisting, except so far as the lessee shall not, by virtue of such lease, be liable to insure, rebuild, or repair such buildings; but it shall be lawful for the surveyor to inspect the buildings comprised in any such lease.

When exemption claimed lease or counterpart to be produced.

59. Every incumbent or lessee alleging that any buildings belonging to a benefice are exempt from the provisions of this Act shall produce to the surveyor for his perusal the counterpart of the lease, or the lease, in respect of which such exemption is claimed.

Remedy on death of incumbent.

60. Every sum of money by this Act raiseable by the bishop by sequestration during an incumbency shall be deemed a debt due from and payable by the incumbent; and if any money payable

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under this Act by an incumbent shall not be recovered by sequestration or otherwise during his incumbency, the liability of such incumbent thereto and of his representatives shall continue and be in no way affected; and in case of his death while he shall be incumbent, the same money, or so much thereof as shall remain due, shall be paid to the parties entitled under this Act to receive the same by his representatives out of his estate and effects.

Moneys paid to bishop by succeeding incumbent to be a debt due from prior incumbent.

61. All moneys which respectively would have been raiseable by the bishop by sequestration during an incumbency, and which shall be paid by a succeeding incumbent, or shall be recovered by sequestration during such succeeding incumbency, shall be a debt due from such prior incumbent or his estate to the incumbent by whom or out of whose income, derived from the benefice, the same shall be paid, and shall be recoverable as such at law or in equity.

Form of security.

62. A security made under the provisions of this Act may be in the form contained in the first schedule hereto, or in such other form as the governors may approve, and the certificate of the treasurer to the governors of any sum having been placed to the credit of the account mentioned in the certificate shall be conclusive evidence of the fact of the said sum having been so placed, and the governors shall, as regards the recovery of the sums due upon the said security, have the same remedies against the incumbent and his successors, and against the property comprised in the security, as if the advance had been made for repairing or rebuilding under the provisions of the Acts contained in the second schedule hereto, and the receipt of the treasurer for the time being to the said governors shall be a discharge for all moneys paid to them in pursuance of the provisions of this Act.

Incumbent to furnish particulars of the value of the benefice.

Patron and ordinary to consent.

63. Before the governors shall lend any money on the security of the possessions of the benefice under the provisions of this Act they shall require the incumbent to furnish them with a just and particular account in writing, signed by him and verified by his oath or statutory declaration, of the annual profits of the living, and shall procure the consent in writing of the bishop and patron under their respective hands, or, if the patron shall be a corporation aggregate, under the common seal of such corporation. Such consent may be given in the form specified in that behalf in the Acts contained in the second schedule hereto, or in such other form as the governors may approve; provided, that any default or defect in compliance with the formalities aforesaid shall not invalidate the security.

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Provisions of Gilbert Acts to apply to the securities.

64. The provisions of the Acts contained in the second schedule hereto, and of the Acts referring to or amending the same, with respect to the registration of mortgages, and to the proportioning of payments in the case of death or avoidance, and to stamps and fees of office, and to the persons or bodies corporate to act as patron and ordinary, and to the priority of sequestrations, shall apply to securities made under the authority of this Act as if the said provisions had, mutatis mutandis, been repeated herein, and the persons or bodies corporate to act as patron and ordinary under this Act shall be the persons or bodies corporate in that behalf mentioned in the said Acts in the said second schedule.

Moneys standing to the credit of a dilapidation account to be invested. Application of income. Payment of expenses.

65. All moneys standing to the credit of a dilapidation account shall, in the meantime, and until such moneys be required for the purposes of this Act, be invested by the governors, and if any surplus shall remain of moneys standing to the credit of a dilapidation account after satisfying the requirements of this Act, such surplus shall be applied in discharge of any principal sum owing on the security of a mortgage made by the incumbent under the provisions of this Act, and if there shall be no such sum, or if the surplus be more than sufficient for the discharge of such sum, such surplus or furthur surplus shall be paid to the incumbent or to the sequestrators; provided that the governors may retain, to meet the office expenses incurred by reason of this Act, a per-centage of the sums paid to them under the provisions of this Act, to be regulated according to a table or scale to be prepared by the governors, and to be subject to the approval of the Lords Commissioners of Her Majesty's Treasury; and the governors may, with the like approval, from time to time alter, amend, add to, or reduce such table or scale; and every such table or scale, and every such alteration, amendment, addition, or reduction in, to, or of the same, shall be published in the London Gazette, and shall be laid before Parliament.

Providing for death or change of surveyor during repairs.

66. In case of the death, removal from office, or resignation of a surveyor after making an inspection and before granting his final certificate of the completion of the necessary repairs, the previous acts of such surveyor in regard to such inspection, including his report (if any), shall be adopted by the surveyor appointed to act in his place, who shall proceed in the matter of such inspection, report, and certificate, in the same manner as if the inspection had originally been made by him.

Power of surveyor, &c. to enter and inspect, &c. at seasonable times.

67. It shall be lawful for the surveyor, his servants and workmen, for the purposes of this Act to enter into the buildings belonging to any benefice, and to inspect and examine the same,

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and also any works in progress under this Act, and, in the case of any benefice under sequestration, for all persons authorised by the surveyor to enter into the buildings belonging to such benefice, and to execute the works by this Act authorised, but no inspection of any benefice shall be made under this Act except at seasonable times and within reasonable hours.

Limitation, &c. of actions.

68. No proceedings shall be commenced against any surveyor or other person acting under the authority of this Act for any alleged irregularity or trespass, or other act or thing done or omitted by him under this Act, unless notice in writing is given by the intending plaintiff or prosecutor to the intended defendant, one month at least before the commencement of the proceeding, nor unless the proceeding is commenced within three months next after the act or thing complained of is done or omitted, or, in case of a continuation of damage, within three months next after the doing of such damage has ceased. The plaintiff or prosecutor shall not succeed in any such proceeding, if tender of sufficient amends, including the reasonable costs of plaintiff or prosecutor, is made by the defendant before the commencement of the proceeding; and in case no tender has been made, the defendant may, by leave of the court in which the proceeding is taken, at any time pay into such court such sum of money as he may think fit, whereupon such proceeding and order shall be had and made in and by the court as may be had and made on the payment of money into court in an ordinary suit.

Form of bishop's order and delivery of notices.

69. Every consent by or authority from a bishop under this Act shall be in writing under his hand, and all notices, letters, duplicates, or triplicates of reports, and other documents or duplicates or triplicates of documents by this Act directed to be sent, delivered, or otherwise notified or given to or left with any bishop, incumbent, officiating clergyman, or person, shall be deemed to have been duly sent, delivered, notified, given, or left respectively, if sent through the post in a prepaid letter, addressed, in the case of an incumbent or officiating minister, to the house of residence of the benefice, or if there shall be no such house of residence, then to one of the churchwardens at his usual place of residence, and in all other cases to the usual or last known place of residence in England of the party.

Existing incumbents (if the bishop consents) not liable to dilapidations for substitution of buildings of equal or greater value.

70. If an incumbent holding a benefice at the time of the commencement of this Act shall, prior thereto, (without due authority,) have caused any buildings belonging to such benefice to be pulled down, and shall have substituted other buildings of equal or greater value, such incumbent shall (if the bishop

of the diocese consent) not be liable to dilapidations in respect of the buildings so pulled down, provided such substituted buildings shall have been insured pursuant to this Act; and no incumbent holding a benefice at the time of the commencement of this Act shall be liable for dilapidations in respect of any buildings which shall have been pulled down by a preceding incumbent, unless the incumbent so holding such benefice shall have received, or shall be able to recover from the last preceding incumbent or his estate, the amount chargeable on account of such dilapidations, and in such case the liability of the existing incumbent shall be limited to the amount so received or recoverable.

No existing incumbent liable for dilapidations as to buildings pulled down by prior incumbents unless amounts recoverable from prior incumbent.

71. Nothing in this Act contained shall be construed to lessen or destroy any authority or power which, before the passing of this Act, any bishop or archdeacon or other ordinary possessed in respect of requiring the repairs of any ecclesiastical buildings to be executed.

Not to affect existing powers of bishop, &c.

72. Notwithstanding anything contained in this Act, all the powers and authorities contained in the Acts specified in the second schedule hereto, and in any Act or Acts amending or referring to the same, shall be exerciseable either separately or concurrently with the powers of this Act, as if this Act had not passed.

Saving the Gilbert Acts.

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SCHEDULES.

FIRST SCHEDULE.

Form of Mortgage.

This indenture, made the day of between *A.B.*, incumbent of the benefice of , in the county of , and diocese of , of the one part, and the governors of the bounty of Queen Anne for the augmentation of the maintenance of the poor clergy of the other part. Whereas the said governors, pursuant to "The Ecclesiastical Dilapidations Act, 1870," upon the request of the said *A.B.*, and with the consent of the bishop and patron (testified by their having signed [or sealed] the instrument of consent hereto annexed) have agreed to advance the sum of pounds upon the security of the said benefice: Now this indenture witnesseth that the said *A.B.*, in consideration of the sum of pounds, having been carried in the books of the said governors to the credit of an account entitled "the dilapidation account of *A.B.*, incumbent of ," as evidenced by the certificate hereupon endorsed and signed by the treasurer to the said governors, doth hereby grant unto the said governors all the glebe lands, tithes, rents, rentcharges, moduses, compositions for tithe, salaries, stipends, fees, gratuities, and other emoluments and profits whatsoever arising, coming, growing, renewing, or payable to the incumbent of the said benefice in respect thereof, with all and every their rights, privileges, and appurtenances thereunto belonging, to have, hold, receive, and take the said premises, with their appurtenances, unto the said governors from henceforth for and during the term of thirty-five years in as full, ample, and beneficial manner, and with such remedies and powers for obtaining and recovering the same, and every part thereof, to all intents and purposes, as the said incumbent or his successors could or might or ought to have held, enjoyed, received, and taken the same if these presents had not been made: And the said *A.B.* for himself, his heirs, executors, and administrators, doth hereby covenant with the said governors that the said *A.B.*, during the time he shall continue incumbent of the said benefice, shall

and will well and truly pay or cause to be paid unto the said governors interest for the said sum of pounds, or so much thereof as shall remain due, at the end of every year, to be computed from the day of the date of these presents, after the rate of pounds per centum per annum, by yearly payments, the first of the said payments to be made on the day of next; and also shall and will, from and after the expiration of one year from the day of the date of these presents, in each and every year during such time as aforesaid, well and truly pay, or cause to be paid unto the said governors one equal thirtieth part of the said principal sum of pounds, the first of such payments to be made on the day of , 18 , and shall and will continue such respective payments of the said interest, and on account of the said principal money, so long as he shall continue incumbent of the said benefice, or so long as anything shall remain due upon the security of these presents: Provided always, and these presents are upon this condition, that if the said *A.B.* and his successors shall well and truly pay or cause to be paid the said principal money and interest for the same, in manner and at the times aforesaid, according to the true intent and meaning of the said Act and of these presents, and also all costs and charges which shall have been occasioned by the nonpayment thereof, these presents and everything herein contained shall cease and be void: Provided also, that it shall and may be lawful for the said *A.B.* and his successors peaceably and quietly to hold, occupy, possess, and enjoy all and singular the said glebe lands, tithes, rents, rentcharges, moduses, composition for tithes, stipends, fees, gratuities, and other emoluments and profits whatsoever arising or to arise from or in respect of the said benefice, until default shall be made by him or them, respectively, in the payment of the interest and principal or some part thereof, at the times and in the manner aforesaid. In witness, &c. A.D. 1870.

SECOND SCHEDULE.

17 Geo. 3. c. 53.
21 Geo. 3. c. 66.
7 Geo. 4. c. 66.
1 & 2 Vict. c. 23.
28 & 29 Vict. c. 69.

Ecclesiastical Dilapidations. [H.L.]

(No. 2.)

A

B I L L

INTITULED

An Act for the Amendment of the Law relating to Ecclesiastical Dilapidations.

(*Brought from the Lords* 11 *July* 1870.)

Ordered, by The House of Commons, *to be Printed*, 18 *July* 1870.

[Bill 224.]

Under 3 *oz.*

A

B I L L

INTITULED

An Act to facilitate transfers of Ecclesiastical Patronage in certain cases. A.D. 1870.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Provisions of 3 & 4 Vict. c. 113. s. 73., 4 & 5 Vict. c. 39. s. 22., 31 & 32 Vict. c. 114. s. 12., to authorize transfer of any advowson.

1. The powers and provisions contained in the seventy-third section of the Act of the third and fourth years of Her Majesty, chapter one hundred and thirteen, in the twenty-second section of the Act of the fourth and fifth years of Her Majesty, chapter thirty-nine, and in the twelfth section of the Act of the thirty-first and thirty-second years of Her Majesty, chapter one hundred and fourteen, shall be held to authorize the transfer, by the process and with the consents therein mentioned, of the ownership of any advowson or other right of patronage in any spiritual preferment, or any estate or interest in the same; provided always, that it shall appear to the Ecclesiastical Commissioners for England, and shall be so stated in the scheme submitted by them to Her Majesty in Council for effecting such transfer, that the same transfer will tend to make better provision for the cure of souls in the parish or district in or in respect of which the right of patronage or advowson arises or exists; and provided always, that such transfer may take effect as from or to any ecclesiastical corporation, aggregate or sole, notwithstanding any statute of mortmain.

Ecclesiastical Patronage Transfer. [H.L.]

A

BILL

INTITULED

An Act to facilitate transfers of Ecclesiastical Patronage in certain cases.

(*Brought from the Lords* 16 *May* 1870.)

Ordered, by The House of Commons, *to be Printed,* 13 *June* 1870.

[Bill 160.]

Under 1 *oz.*

A

B I L L

INTITULED

An Act to repeal an Act for preventing the assumption of certain Ecclesiastical Titles in respect of places in the United Kingdom. A.D. 1870.

WHEREAS by an Act passed in the session of Parliament held in the fourteenth and fifteenth year of the reign of Her Majesty, chapter sixty, intituled "An Act to prevent the assumption of certain Ecclesiastical Titles in respect of places in the United Kingdom," certain enactments were made prohibiting under penalties the assumption of the title of archbishop or bishop of a pretended province or diocese, or archbishop or bishop of a city, place, or territory, or dean of any pretended deanery in England or Ireland, not being the see, province, or diocese of an archbishop or bishop or deanery of any dean recognized by law:

And whereas no ecclesiastical title of honour or dignity derived from any see, province, diocese, or deanery, or from any city, town, place, or territory within this realm can be rightly or validly created, assumed, or used, nor can any see, province, diocese, or deanery be created nor any coercive power or pre-eminence in reference thereto be conferred otherwise than under the authority and by the favour of Her Majesty, her heirs and successors, and according to the laws of this realm; and any title of honour or dignity derived from any see, province, diocese, or deanery, or from any city, town, place, or territory within this realm attempted to be created, assumed, or used, and any attempt to create any see, province, diocese, or deanery, and any attempt to confer any coercive power or pre-eminence in reference thereto under colour of any alleged authority out of this realm, or of any alleged authority within this realm, not being the authority of Her Majesty, her heirs and successors, and of the laws of this realm, are and ought to be taken to be invalid, void, and of no effect to all intents and purposes; and it is expedient to substitute a declaration to that effect for the Act fourteenth and

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fifteenth Victoria, chapter sixty, in order that the use by ministers of religion of various denominations of designations regarded as titles of office merely, although such designations may be connected with the name of some city, town, place, or territory within the realm, may not expose them to penalties:

Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Ecclesiastical titles, &c. in this realm not valid unless conferred by authority of Her Majesty.

1. No ecclesiastical title of honour or dignity derived from any see, province, diocese, or deanery, or from any city, town, place, or territory within this realm can be rightly or validly created, assumed, or used; nor can any see, province, diocese, or deanery be created; nor can any coercive power or pre-eminence be conferred in reference thereto, otherwise than under the authority and by the favour of Her Majesty, her heirs and successors, and according to the laws of this realm; and any title of honour or dignity derived from any see, province, diocese, or deanery, or from any city, town, place, or territory within this realm attempted to be created, assumed, or used; and any attempt to create any see, province, diocese, or deanery, and any attempt to confer any coercive power or pre-eminence in reference thereto by or under colour of any alleged authority out of this realm, or of any alleged authority within this realm, not being the authority of Her Majesty, her heirs and successors, and of the laws of this realm, are and ought to be taken to be invalid, void, and of no effect.

Repeal of 14 & 15 Vict. c. 60.

2. The said Act of the session of Parliament held in the fourteenth and fifteenth years of the reign of Her Majesty, chapter sixty, shall be and the same is hereby repealed.

Ecclesiastical Titles Act Repeal. [H.L.]

A

B I L L

INTITULED

An Act to repeal an Act for preventing the assumption of certain Ecclesiastical Titles in respect of places in the United Kingdom.

(*Brought from the Lords 7 July* 1870.)

Ordered, by The House of Commons, *to be Printed*, 20 *July* 1870.

[Bill 231.]

Under 1 *oz.*

A

B I L L

TO

Provide for the Elementary Education of Blind and Deaf and Dumb Children, and for the Governmental Inspection of Schools for such Children. A.D. 1870.

WHEREAS it is desirable to provide more effectual means for the education of blind and deaf and dumb children than are now in force, and to give to schools and asylums instituted for the purposes of such education the advantages of due inspection under Government:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

On the application of parents of indigent poor children, Board of Guardians shall send such children to school.

1. The guardians of any union or parish shall, on the application of the parents or surviving parent, or of any persons or person standing in loco parentis towards any poor deaf and dumb or blind child under the age of *fourteen* years, with the approval of the Poor Law Board, send any such poor deaf and dumb or blind child to any school fitted for the reception of such child, whether such school shall or shall not have been certified under the provisions of the twenty-fifth and twenty-sixth Victoria, chapter forty-three, and whether or not it be supported wholly or partially by voluntary subscription, the managers of which shall be willing to receive such child, and such guardians shall pay out of the funds in their possession the expenses incurred in the maintenance, clothing, and education of such child therein during the time such child shall remain at such school (not exceeding the total sum which would have been charged for the maintenance of such child if relieved in the workhouse during the same period, if such total sum shall exceed *twenty-four pounds* per annum, and if such total sum shall not exceed *twenty-four pounds* per annum, then on the payment of *twenty-four pounds* per annum for each such child), and in the conveyance of such child to and from the same insti-

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tution, and in case of his or her death the expenses of his or her burial.

In cases where no application is made, Board of Guardians may send to school.

2. In cases where no such application shall be made as in the last section is mentioned, the guardians of any union or parish may, with the approval of the Poor Law Board, send any poor deaf and dumb or blind child to any school fitted for the reception of such child, whether such school shall or shall not have been certified under the provisions of the twenty-fifth and twenty-sixth Victoria, chapter forty-three, and whether or not it be supported wholly or partially by voluntary subscription, the managers of which shall be willing to receive such child, and such guardians shall pay out of the funds in their possession the expenses incurred in the maintenance, clothing, and education of such child therein during the time such child shall remain at such school (not exceeding the total sum which would have been charged for the maintenance of such child if relieved in the workhouse during the same period, if such total sum shall exceed *twenty-four pounds* per annum, and if such total sum shall not exceed *twenty-four pounds* per annum, then on payment of *twenty-four pounds* per annum for each such child), and in the conveyance of such child to and from the same institution, and in the case of his or her death the expenses of his or her burial.

Boards of Guardians may enter into agreement for part payment with persons on behalf of a blind or deaf and dumb child for its education.

3. In cases where the parents or surviving parent of, or persons or person standing in loco parentis towards any deaf and dumb or blind child under the age of *fourteen* years shall make an offer to the guardians of any union or parish wherein such child shall be then resident, to pay or contribute any sum of money for the partial support of any such last-mentioned child in any such institution, such offer shall be reduced into writing in the form mentioned in the schedule hereto, and signed by the persons or person respectively offering the same, and the clerk to the guardians for the time being of such union or parish, and thereupon the guardians of such union or parish may, with the approval of the Poor Law Board, from time to time pay out of the money in their possession the residue of the expenses incurred in the maintenance, clothing, and education of such child in such institution as in the first section of this Act is mentioned: Provided always that with reference to any case under the present section of this Act the choice and selection of such institution shall be placed exclusively with the guardians of the union or parish contributing the residue of such expenditure.

Proviso.

In event of non-payment of money by persons agreeing, as

4. In order to secure the education of such child as mentioned in the last foregoing section of this Act as aforesaid, in the event of

non-payment by the persons or person who have or has so agreed to make the said contribution so offered as aforesaid, then the guardians of such union or parish as aforesaid shall advance and pay to the managers of the institution in which such deaf and dumb or blind child shall have been placed the amount of the contributions so offered to be made as aforesaid.

in the last section, Boards of Guardians shall advance and pay the same to the managers of blind or deaf and dumb schools.

5. In the event of default being made in the due payment of such contribution as aforesaid the guardians of such union may, after the same contribution shall have become due, if they think fit, order and direct their clerk for the time being to bring an action or actions from time to time in the County Court of the district in which such union or parish is situate, or in one of the next neighbouring County Courts thereto, against the persons or person so having signed such written agreement as last aforesaid; and in case of the death of the persons or person so having signed as aforesaid, against the executors or executor of such deceased persons or person for the recovery of such sum of money as such guardians may have paid to such managers as last aforesaid and the costs of suit incident to such recovery: Provided always, that any such agreement shall not require to have any stamp affixed thereto or be chargeable with any stamp duty thereupon.

And in case of such non-payment may sue the persons so agreeing to make payment.

6. Any child or young person mentioned or referred to in any of the foregoing sections may (being then in such institution as a school pupil) be kept in the same on the like terms, and with the approval of the Poor Law Board, and the sanction of his or her parents or surviving parent of, or the persons or person standing in loco parentis towards such young person, and the managing committee of such institution, until such young person shall have attained any age not exceeding *eighteen* years.

Scholar may be retained in school till eighteen years old.

Inspection.

7. The Lords for the time being of the Privy Council may, under the rules and regulations from time to time laid down in the revised code issued by them in reference to education, appoint a special inspector for examining and certifying the schools for the deaf and dumb, in like manner as other school inspectors are now appointed.

Privy Council may appoint special inspector for deaf and dumb schools.

8. On the application in writing duly made by the committee of management of any school for the blind or for the deaf and dumb, and transmitted to the Lords for the time being of the Privy Council asking for Governmental inspection, any such school may be inspected and certified by such special inspector under the rules

That on the application of school committee of management Privy Council may

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and regulations of the said revised code which shall from time to time be in force.

order inspection.

That school being certified by the inspector shall receive for each pupil specified payment.

9. *If and when any school for the Blind or for the Deaf and Dumb shall have been so certified as aforesaid, the managing committee shall be entitled to receive and shall receive in respect of each such child as shall for the last twelve months have been, and shall then be duly entered by name upon the books of such school, and be at the time of the said examination a pupil thereat, the sum of*

Proviso.

Provided always that it shall not be requisite in order to entitle such school to receive any payment of money under this present section, that it should contain any specified number at the least of scholars or pupils at the date of such inspection.

SCHEDULE.

MEMORANDUM OF AGREEMENT made this day of 18 , between *A.B.*, of and *C.D.*, of , for and on behalf of one *W.J.*, a blind [*or* deaf and dumb] child under the age of fourteen years of the one part, and *F.F.*, the clerk for the time being to the Board of Guardians of the Union [*or* Parish] of *X.*, in the county of *Y.*, of the other part, witnesseth, that in consideration of the said *W.J.* being maintained, clothed, and educated by the said Board of Guardians until he [*or* she] shall be duly removed therefrom, or shall have attained the age of [*eighteen*] years, they the said *A.B.*, and *C.D.* their executors or administrators, will annually pay or cause to be paid to the Board of Guardians for the time being of the said Union [*or* Parish] the sum of without deduction, pursuant to the terms and conditions mentioned in an Act of Parliament passed in a session of Parliament held in the thirty-second and thirty-third years of the reign of Her present Majesty Queen Victoria, intituled "An Act to provide for the Elementary Education of Blind and Deaf and "Dumb Children, and for the Governmental Inspection of such Schools."

Given under our hands and seals the day and year first above written.

A.B. (L.S.)
C.D. (L.S.)

F.F. (L.S.)
Clerk to the said Board of Guardians.

Education of the Blind, &c.

A

B I L L

To provide for the Elementary Education of Blind and Deaf and Dumb Children, and for the Governmental Inspection of Schools for such Children.

(*Prepared and brought in by Mr. Wheelhouse, Mr. Ward Jackson, and Mr. Mellor.*)

Ordered, by The House of Commons, *to be Printed,* 23 *February* 1870.

[Bill 47.]

Under 1 *oz.*

Elementary Education Bill.

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A

B I L L

TO

Provide for public Elementary Education in England and Wales. A.D. 1870.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Preliminary.

1. This Act may be cited as "The Elementary Education Act, 1870." Short title.

2. This Act shall not extend to Scotland or Ireland. Extent of Act.

3. In this Act,— Definitions:

The term "metropolis" means the places for the time being within the jurisdiction of the Metropolitan Board of Works under the Metropolis Management Act, 1855: "Metropolis:"

The term "borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of municipal corporations in England and Wales," and the Acts amending the same: "Borough:"

The term "parish" means a place for which a separate poor rate is or can be made: "Parish:"

The term "person" includes a body corporate: "Person:"

The term "Education Department" means "the Lords of the Committee of the Privy Council on Education:" "Education Department:"

The term "Her Majesty's inspectors" means the inspectors of schools appointed by Her Majesty on the recommendation of the Education Department: "Her Majesty's inspectors:"

The term "managers" includes all persons who have the management of any elementary school, whether the legal interest in the schoolhouse is or is not vested in them: "Managers:"

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"Teacher:" The term "teacher" includes assistant teacher, pupil teacher, sewing mistress, and every person who forms part of the educational staff of a school:

"Parent:" The term "parent" includes guardian and every person who is liable to maintain or has the actual custody of any child:

"Elementary school:" The term "elementary school" means a school or department of a school at which elementary education is the principal part of the education there given, and does not include any school or department of a school at which the scholars are boarded or clothed, or at which the ordinary payments in respect of the instruction, from each scholar, exceed ninepence a week:

"Schoolhouse:" The term "schoolhouse" includes the teacher's dwelling house, and the playground (if any) and the offices and all premises belonging to or required for a school:

"Vestry:" The term "vestry" means, where there is a select vestry, or any body of persons acting by virtue of any Act of Parliament, prescription, custom, or otherwise as a select vestry, such select vestry or body of persons, and in other cases the inhabitants of a parish meeting in vestry according to law:

"Parliamentary grant." The term "parliamentary grant" means a grant made in aid of an elementary school, either annually or otherwise, out of moneys provided by Parliament.

(I.) Local Provision for Schools.

School districts, &c. in schedule.

4. For the purposes of this Act, the respective districts, boards, rates and funds, and authorities described in the first schedule to this Act shall be the school district, the school board, the local rate, and the rating authority.

Supply of Schools.

School district to have sufficient public schools.

5. There shall be provided for every school district a sufficient amount of accommodation in public elementary schools (as hereinafter defined) available for all the children resident in such district for whose elementary education suitable provision is not otherwise made, and where there is an insufficient amount of such accommodation, in this Act referred to as "public school accommodation," the deficiency shall be supplied in manner provided by this Act.

Supply of schools in case of deficiency.

6. Where the Education Department, in the manner provided by this Act, are satisfied and have given public notice that there is an insufficient amount of public school accommodation for any school district, and the deficiency is not supplied within the time limited for the purpose, a school board shall be formed for such district and shall supply such deficiency, and in case of default by the school

board the Education Department shall cause the duty of such board to be performed in manner provided by this Act. A.D. 1870.

7. Every public elementary school within the meaning of this Act shall be subject to the following regulations; namely, Regulations for conduct of public elementary school.

(1.) The school shall be open at all times to the inspection of any of Her Majesty's inspectors, so, however, that no such inspector, except with the permission of the Education Department, and on the request of the managers of the school, shall inquire into the religious instruction given at such school, or examine any scholar therein in religious knowledge or in any religious subject or book:

(2.) The school shall be conducted in accordance with the conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant:

(3.) No scholar shall be required, as a condition of being admitted into or of attending or of enjoying all the benefits of the school, to attend or to abstain from attending any Sunday school, or any place of religious worship, or to learn any such catechism or religious formulary or be present at any such lesson or instruction or observance as may have been objected to on religious grounds by the parent of the scholar sending his objection in writing to the managers or principal teacher of the school, or one of them.

Proceedings for Supply of Schools.

8. For the purpose of determining with respect to every school district the amount of public school accommodation, if any, required for such district, the Education Department shall, immediately after the passing of this Act, cause such returns to be made as in this Act mentioned, and on receiving those returns, and after such inquiry, if any, as they think necessary, shall consider whether any and what public school accommodation is required for such district, and in so doing they shall take into consideration every elementary school, whether public or not, and whether actually situated in the school district or not, which in their opinion gives efficient elementary education and is suitable for the children of such district. Determination by Education Department of deficiency of public school accommodation.

9. If the Education Department consider that the amount of public school accommodation for any school district is insufficient, they shall publish a notice setting forth with respect to such district the description thereof, the number, size, and description of the elementary schools (if any) available for such district, which the Notice by Education Department of public school accommodation required.

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Education Department have taken into consideration as above mentioned, and the amount and description of the public school accommodation which appears to them to be required for the district, and any other particulars which the Education Department think expedient.

If any persons being either—

(1.) Ratepayers of the district, not less than ten, or if less than ten being rated to the poor rate upon a rateable value of not less than *one third* of the whole rateable value of the district, or,

(2.) The managers of any elementary school in the district,

feel aggrieved by the declaration of such deficiency, such persons may, within *one month* after the publication of the notice, apply in writing to the Education Department for and the Education Department shall direct the holding of a public inquiry in manner provided by this Act.

Upon the expiration of such month, if no public inquiry is held, or upon the receipt of the report made after such inquiry, as the case may be, the Education Department may publish a final notice stating the same particulars as were contained in the former notice, with such modifications (if any) as they think fit to make, and stating that the public school accommodation therein mentioned is to be provided within the period of *twelve months* after the date of such final notice.

Formation of school board and requisition to provide schools.

10. If after the expiration of such period the Education Department are satisfied that all the public school accommodation required by the final notice to be supplied, has not been so supplied, the Education Department may cause a school board to be formed for the district as provided in this Act, and may send a requisition to the school board so formed requiring them to take proceedings for supplying the public school accommodation mentioned in the requisition.

Provision of schools by school board.

11. The school board shall, within *twelve months* after the receipt of such requisition, provide such public school accomodation as is necessary in order to supply the public school accommodation specified in the requisition.

Proceedings on default of school board.

12. If the school board fail to comply with the requisition in manner aforesaid, they shall be deemed to be in default, and if the Education Department are satisfied that such board are in default they may appoint any persons to perform the duty in which the school board have made default, and may otherwise proceed in manner directed by this Act with respect to a school board in default, and every school provided by persons so

appointed shall be deemed for the purposes of this Act to have been provided by the school board in default. A.D. 1870.

Proceedings by Education Department after the first year.

13. After the receipt of any returns under this Act subsequently to the first with respect to any school district, and after such inquiry as the Education Department think necessary, the Education Department shall consider whether any and what public school accommodation is required in such district in the same manner as in the case of the first returns under this Act, and where in such district there is no school board acting under this Act they may issue notices and take proceedings in the same manner as they may after the receipt of the first returns under this Act, and where there is a school board in such district they shall proceed in manner directed by this Act.

Management and Maintenance of Schools by School Board.

Management of school by school board.

14. Every school provided by a school board shall be a public elementary school, and shall be conducted as such under the control and management of such board.

Appointment of managers by school board.

15. The school board may, if they think fit, from time to time delegate the control and management of any school provided by them, with or without any conditions or restrictions, to a body of managers appointed by them, consisting of not less than *three* persons.

The school board may from time to time remove all or any of such managers and add to or diminish the number of or otherwise alter the constitution of any body of managers formed by it under this section.

Any manager appointed under this section may resign on giving written notice to the board. The rules contained in the third schedule to this Act respecting the proceedings of bodies of managers appointed by a school board shall be observed.

Neglect by board of regulations of public elementary schools.

16. If the school board do or permit any act in contravention of or fail to comply with the regulations according to which a public elementary school is required by this Act to be conducted, the Education Department may declare the school board to be and such board shall accordingly be deemed to be a board in default, and the Education Department may proceed accordingly, and every act or omission of any member of the school board, or any person under the control of the board, shall be deemed to be permitted by the board.

Fees of children.

17. Every child attending a school provided by any school board shall pay such weekly fee as may be prescribed by the

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school board, with the consent of the Education Department, but the school board may remit the whole or any part of such fee in the case of any child when they are of opinion that the parent of such child is unable from poverty to pay the same, but such remission shall not be deemed to be parochial relief given to such parent.

Maintenance by school board of schools and sufficient school accommodation.

18. The school board shall maintain and keep efficient every school provided by such board, and shall from time to time provide such additional school accommodation as is, in their opinion, necessary in order to supply a sufficient amount of public school accommodation for their district.

A school board may discontinue any school provided by them, or change the site of any such school, if they satisfy the Education Department that the school to be discontinued is unnecesary, or that such change of site is expedient.

If at any time the Education Department are satisfied that a school board have failed to perform their duty, either by not maintaining or keeping efficient every school provided by them, or by not providing such additional school accommodation as, in the opinion of the Education Department, is necessary in order to supply a sufficient amount of public school accommodation in their district, the Education Department may send them a requisition requiring them to fulfil the duty which they have so failed to perform; and if the school board fail within the time limited by such requisition, not being less than *three* months, to comply therewith to the satisfaction of the Education Department, such board shall be deemed to be a school board in default, and the Education Department may proceed accordingly.

Powers of school board for providing schools.

19. Every school board for the purpose of providing sufficient public school accommodation for their district, whether in obedience to any requisition or not, may provide, by building or otherwise, schoolhouses properly fitted up, and may improve, enlarge, and fit up any schoolhouse provided by them, and supply school apparatus and everything necessary for the efficiency of the schools provided by them, and purchase and take on lease any land, and any right over land, or may exercise any of such powers.

For the purposes of any such purchase, "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same, (except so much as relates to the purchase of land otherwise than by agreement), shall be incorporated with this Act; and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean the school board, and land shall be construed to include any right over land.

The School Sites Acts as defined in the fourth schedule to this Act shall apply in the same manner as if the school board were trustees or managers of a school within the meaning of those Acts, and land may be acquired under any of the Acts mentioned in this section, or partly under one and partly under another Act.

Sale or lease of schoolhouse.

20. The provisions of the Charitable Trusts Acts 1853 to 1869, which relate to the sale, leasing, and exchange of lands belonging to any charity, shall extend to the sale, leasing, and exchange of the whole or any part of any land or schoolhouse belonging to a school board which may not be required by such board.

Managers may transfer school to school board.

21. The managers of any elementary school in the district of any school board, with the assent of such number of their body, if any, as under their constitution is binding on them, or, if there is no such number, of a majority of those members who are present at a meeting of their body duly constituted, may, with the consent of the Education Department, make an arrangement with the school board for transferring their school to such board, and the school board may assent to such arrangement.

Such arrangement may provide for the absolute conveyance to the school board of all the interest in the schoolhouse possessed by the managers or by any person who is trustee for the school, or for the lease of the same (with or without any restrictions) to the school board, or for the use by the school board of the schoolhouse during part of the week, and for the use of the same by the managers or some other person during the remainder of the week, or for any arrangement that may be agreed on. The arrangement may also provide for the transfer or application of any endowment belonging to the school, or for the school board undertaking to discharge any debt charged on the school not exceeding the value of the interest in the schoolhouse or endowment transferred to them.

When an arrangement is made under this section, the managers may, whether the legal interest in the schoolhouse or endowment is vested in them or in some person as trustee for the school, convey to the school board all such interest in the schoolhouse and endowment as is vested in them or in such trustee, or such smaller interest as may be required under the arrangement.

Every school so transferred shall be deemed to be a school provided by the school board.

Miscellaneous powers of School Board.

Assistance by school board to existing schools.

22. A school board may, in their discretion, grant pecuniary assistance, of such amount and for such purposes as they think fit,

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to such public elementary schools in their district not provided with them as are willing to receive it, provided that such assistance is granted on equal terms to all such schools upon conditions to be approved by the Education Department.

Discontinuance of assistance after notice.

23. A school board, upon publishing notice to that effect, may, at the expiration of *twelve months* from such notice, discontinue the grant of pecuniary assistance to public elementary schools in their district.

Payment of school fees.

24. The school board may, if they think fit, pay the whole or any part of the school fees payable at any public elementary school by any child resident in their district whose parent is in their opinion unable from poverty to pay the same; but no such payment shall be made or refused on condition of the child attending any public elementary school other than such as may be selected by the parent; and such payment shall not be deemed to be parochial relief given to such parent.

Establishment of free school in special cases.

25. If a school board satisfy the Education Department that, on the ground of the poverty of the inhabitants of any place in their district, it is expedient, for the interests of education, to provide a school at which no fees shall be required from the scholars, the board may, subject to such rules and conditions as the Education Department may prescribe, provide such school, and may admit scholars to such school without requiring any fee.

Contribution to industrial schools. 29 & 30 Vict. c. 118.

26. A school board shall have the same powers of contributing money in the case of an industrial school as is given to a prison authority by section twelve of "The Industrial Schools Act, 1866;" and upon the election of a school board in a borough the council of that borough shall cease to have power to contribute under that section.

Establishment of industrial school.

27. A school board may, with the consent of the Education Department, establish and build a certified industrial school within the meaning of the Industrial Schools Act, 1866, and shall for that purpose have the same powers as they have for the purpose of providing sufficient school accommodation for their district: Provided that the school board, so far as regards any such industrial school, shall be subject to the jurisdiction of one of Her Majesty's Principal Secretaries of State in the same manner as the managers of any other industrial school are subject, and such school shall be subject to the provisions of the said Act, and not of this Act.

Constitution of School Boards.

School board.

28. The school board, where elected under this Act, shall be elected in manner provided by this Act, in a borough by the council, and in a parish by the vestry.

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29. With respect to the constitution of a school board, the following provisions shall have effect:

Constitution of school board.

(1.) The school board shall be a body corporate, by the name of the school board of the district to which they belong, having a perpetual succession and a common seal, with power to acquire and hold land for the purposes of this Act without any licence in mortmain:

(2.) No act or proceeding of the school board shall be questioned on account of any vacancy or vacancies in their body:

(3.) No defect in the qualification or election of any persons or person acting as members or member of the school board shall be deemed to vitiate any proceedings of such board in which he or they have taken part, in cases where the majority of members parties to such proceedings were duly entitled to act:

(4.) Any minute made of proceedings at meetings of the school board, if signed by any person purporting to be the chairman of the board, either at the meeting of the board at which such proceedings took place or at the next ensuing meeting of the board, shall be receivable in evidence in all legal proceedings without further proof, and until the contrary is proved every meeting of the school board, in respect of the proceedings of which minutes have been so made, shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified:

(5.) The members of a school board may apply any money in their hands for the purpose of indemnifying themselves against any law costs or damages which they may incur in or in consequence of the execution of the powers granted to them:

(6.) The rules contained in the third schedule to this Act with respect to the proceedings of school boards, and the other matters therein contained, shall be observed.

Election of school board.

30. With respect to the election under this Act of a school board, the following provisions shall have effect:

(1.) The number of members of a school board shall be *three*, or a multiple of *three* not exceeding *twelve* according as may be determined in the first instance by a resolution of the body which elects such board, and afterwards from time to time by a resolution of the school board, approved by the Education Department.

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(2.) The regulations contained in the second schedule to this Act with respect to the election and rotation of the members of the school board, and the other matters therein contained, shall be of the same force as if they were enacted as part of this section.

(3.) The Education Department may, at any time after the date at which they are authorized under this Act to cause a school board to be formed, send a requisition to the mayor, churchwardens, or other officers whose duty it is to summon the elective body; and the mayor, churchwardens, or other officers shall summon the elective body at the time specified in such requisition; and in case of default some person appointed by the Education Department may summon such body, and shall have for that purpose the same powers as the person in default.

Non-election, &c. of school board.

31. If, from any cause, in any school district, the school board either are not elected at the time fixed for the first election, or at any time cease to be in existence by reason of non-election, resignation, or otherwise, or neglect or refuse to act, the Education Department may proceed in the same manner as if the school board of such district were a board in default.

Disqualification of member of board.

32. No member of a school board shall hold or accept any office or place of profit (other than that of mayor) the appointment to which is vested in the school board, or the body electing them, or in any way share or be concerned in the profits of any bargain or contract with or any work done under the authority of such school board: Provided that this section shall not apply to—

(1.) Any sale of land or loan of money to a school board; or,

(2.) Any bargain or contract made with or work done by a company in which such member holds shares,

if he does not vote with respect to such sale, loan, bargain, contract, work or assistance.

Any person who acts in contravention of this section shall be liable, on summary conviction, to a penalty not exceeding *fifty* pounds, and the said office or place of profit and his office as member shall be vacant.

Appointment of officers.

33. A school board may appoint a clerk and a treasurer and other necessary officers, to hold office during the pleasure of the board, and may assign them such salaries or remuneration (if any) as they think fit, and may from time to time remove any of such officers; but no such appointment shall be made, except at the first meeting of such board, unless notice in writing has been sent to every member of the board.

Two or more school boards may arrange for the appointment of the same person to be an officer to both or all such boards. A.D. 1870.

Such officers shall perform such duties as may be assigned to them by the board who appoint them.

United School Districts.

34. Where the Education Department are of opinion that it would be expedient to form a school district larger than a borough or a parish or any school district formed under this Act, they may by order form a united school district by uniting any two or more adjoining school districts, and upon such union cause a school board to be formed for such united school district. Formation by Education Department of united districts.

A united school district shall for all the purposes of this Act be deemed to be a school district, and shall throughout this Act be deemed to be substituted for the school districts out of which it is constituted, and the school board of the united school district shall be the school board appointed under this Act, and the local rate and rating authority for the united district shall be in each of the constituent districts thereof the same as if such constituent district did not form part of the united school district.

35. The Education Department, after the receipt of the first returns under this Act, may cause inquiry to be made into the expediency of uniting any two or more school districts, and if after such inquiry they are of opinion that it would be expedient to unite any such school districts, they shall in the notice issued with respect to the amount of public school accommodation required for each of such districts state that they propose to unite such districts, and the provisions of this Act with respect to the application for a public inquiry by persons aggrieved by the said notice, and to the holding of such public inquiry, and to the final notice, shall apply in the case of the proposed union of districts, with this qualification, that it shall not be necessary to cause a public inquiry to be held with respect to the union of districts until after the expiration of the period allowed by the final notice for the supply of the school accommodation. The order for the union may be made at the time when the Education Department are first authorized to cause a school board to be formed or subsequently. Conditions of formation of district.

The order of the Education Department forming the district shall be evidence of the formation of such district, and after the expiration of *three months* from the date of the such order the district shall be presumed to have been duly formed, and no objection to the formation thereof shall be entertained in any legal proceedings whatever.

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Dissolution of united school district.

36. The Education Department may by order dissolve a united school district, and may deal with the constituent districts thereof in the same manner as if they had never been united, and may cause school boards to be elected therein.

Public inquiry as to united district in future.

37. The Education Department may at any time, after any proceedings after the first returns under this Act, if they think fit, cause inquiry to be made into the expediency of forming or dissolving a united school district, and where they propose at any time after such inquiry to form or dissolve a united school district, they shall publish notice of the proposed order not less than three months before the order is made; the like persons as are authorized to apply for a public inquiry after the first return made under this Act may, if they feel aggrieved by the proposed order, apply in like manner for a public inquiry, and the Education Department shall cause a public inquiry to be held, and shall consider the report made to them upon such inquiry before they make the order for such formation or dissolution.

Constitution of school board in united school district.

38. The provisions in this Act respecting the constitution of the school board shall apply to the constitution of the school board in a united school district, and the name of the district shall be such as may be prescribed by the Education Department.

Election of school board in united school district.

39. In a united school district, the school board shall be such number of members elected separately by each of the districts constituting such united district as may be specified in the order forming the district, subject, nevertheless, to alteration in the same manner as in the case of any other school board. The provisions of this Act respecting the election of a school board in a district shall extend to the election of such members in each such district as if it were not part of a united district.

Arrangements on formation of united district.

40. Where any part of a proposed united school district includes any district or part of a district in which there is a school board already acting under this Act, or where a united school district is dissolved, the Education Department may by order dissolve such school board so far as it exists for the purposes of this Act, or make all necessary changes in the constitution of such existing school board, and may by order make proper arrangements respecting the schools, property, rights, and liabilities of such board, and all arrangements which may be necessary.

Small parish.

41. If the Education Department are of opinion that any parish in a united school district is too small to be entitled to elect a member, they may by order direct that it shall for the purpose of

electing a member be added to another parish, and thereupon the persons who would be entitled to meet and vote at the vestry if it were a parish shall be entitled for the purpose of the election to attend and vote at the vestry of the parish to which they are so added. A.D. 1870.

Contributory Districts.

Contributory district.

42. The Education Department may by order direct that one school district shall contribute towards the provision or maintenance of public elementary schools in another school district or districts, and in such case the former (or contributing district) shall pay to the latter (or school owning district or districts) such proportion of the expenses of such provision or maintenance or a sum calculated in such manner as the Education Department may from time to time prescribe.

Election of members by contributory district.

43. Where one school district contributes to the provision or maintenance of any school in another school district, such number of persons as the Education Department (having regard to the amount to be contributed by the contributing district) direct shall be elected in the contributing district, and shall be members of the school board of the school owning district, but such last-mentioned district shall, except so far as regards the raising of money and the attendance of children at school, be deemed alone to be the district of such school board; such members shall be elected by the school board, if any, or, if there is none,—

(1.) If the contributing district is a borough, by the council;

(2.) If the contributing district is a parish, by the vestry,

in the same manner as a school board for such borough or parish would be elected.

Notices and public inquiry as to contributory district.

44. The provisions of this Act with respect to the notices to be published, and the application for and the holding of a public inquiry in the case of an order for the formation of an united district, shall apply mutatis mutandis to an order respecting a contributory district.

An order respecting a contributory district shall be evidence of the formation of such district, and after the expiration of three months from the date thereof shall be presumed to have been duly made, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.

Any such order may be revoked or altered by an order of the Education Department, and a new order may be made in lieu thereof, and all the provisions of this Act respecting the making of

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an order for contribution shall apply to the making of an order for the revocation or alteration of an order for contribution.

Combination of school boards.

45. The school boards of any two or more school districts, with the sanction of the Education Department, may combine together for any purpose relating to elementary schools in such districts, and in particular may combine for the purpose of providing, maintaining, and keeping efficient schools common to such districts. Such agreements may provide for the appointment of a joint body of managers under the provisions of this Act with respect to the appointment of a body of managers, and for the proportion of the contributions to be paid by each school district, and any other matters which, in the opinion of the Education Department, are necessary for carrying out such agreement, and the expenses of such joint body of managers shall be paid in the proportions specified in the agreement by each of the school boards out of their school fund.

Expenses.

School fund of school board.

46. The expenses of the school board under this Act shall be paid out of a fund called the school fund. There shall be carried to the school fund all moneys received as fees from scholars, *or out of moneys provided by Parliament,* or raised by way of loan, or in any manner whatever received by the school board in their capacity of a school board under this Act, and any deficiency shall be raised by the school board as provided by this Act.

Deficiency of school fund raised out of rates.

47. Any sum required to meet any deficiency in the school fund, whether for satisfying past or future liabilities, shall be paid by the rating authority out of the local rate.

The school board, where they are not the rating authority, may serve their precept on the rating authority, requiring such authority to pay the amount specified therein to the treasurer of the school board out of the local rate, and such rating authority shall pay the same accordingly, and the receipt of such treasurer shall be a good discharge for the amount so paid, and the same shall be carried to the school fund.

If the rating authority have no moneys in their hands in respect of the local rate, they shall, or if they have paid the amount then for the purpose of reimbursing themselves they may, levy the said rate, or any contributions thereto, or any increase of the said rate or contributions, and for that purpose shall have the same powers of levying a rate and requiring contributions as they have for the

purpose of defraying expenses to which the local rate is ordinarily applicable. A.D. 1870.

Apportionment of school fund in united and contributory district.

48. In a united district the school board shall apportion the amount required to meet the deficiency in the school fund among the districts constituting such united district in proportion to the rateable value of each such constituent district, and may raise the same by a precept sent to the rating authority of each constituent district.

Where one school district contributes to the expenses of the schools in another school district, the authority of the school owning district may send their precept either to the school board, if any, or to the rating authority of the contributing district, requiring them to pay to their treasurer the amount therein specified, and such authority, or board, shall pay the same accordingly, and the receipt of the treasurer shall be a good discharge for the same, and such amount if paid by the school board shall be paid out of the school fund.

The precept, if sent to the rating authority, either on the default of the school board or otherwise, shall be deemed to be a precept for meeting a deficiency in the school fund, and the provisions of this Act shall apply accordingly.

Remedy of school board on default of rating authority, &c.

49. In either of the following cases, that is to say,

(1.) If the rating authority of any place make default in paying the amount specified in any precept of the school board, or

(2.) Where a school board require to raise a sum from any place which is part of a parish,

then, without prejudice to any other remedy, the school board may appoint an officer or officers to act as overseers within such place; and the officer or officers so from time to time appointed shall have within the said place all the powers of making and levying a rate for the purpose of defraying the sum due from such place which he or they would have if the said place were a parish, and such rate were a rate for the relief of the poor, and he or they were duly appointed an overseer or overseers of such parish, and he and they shall have such access to and use of the valuation lists and rate books of the parish or parishes comprised in or comprising such place as he or they may require.

Expense of providing a school may be spread over thirty years.

50. Where a school board incur any expense in providing or enlarging a schoolhouse, they may, with the consent of the Education Department, spread the payment over several years, not exceeding *thirty*, and may for that purpose borrow money on the security of the school fund, and may charge that fund and the

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local rate with the payment of the principal and interest due in respect of the loan. They may, if they so agree with the mortgagee, pay the amount borrowed, with the interest, by equal annual instalments, not exceeding *thirty*, and if they do not so agree, they shall annually set aside *one thirtieth* of the sum borrowed as a sinking fund.

10 & 11 Vict. c. 16.

For the purpose of such borrowing the clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the commissioners, shall be incorporated with this Act; and in the construction of those clauses for the purpose of this Act, this Act shall be deemed to be the special Act, and the school board which is borrowing shall be deemed to be the commissioners.

The Public Works Loan Commissioners may lend any money required under this section on the security of the school fund without requiring any further or other security.

Accounts and Audit.

Accounts to be made up and examined.

51. In a borough, the accounts of the school board shall, once in every year, be made up and balanced to the same day to which are made up and balanced the accounts of the council of such borough, or in the case of Oxford, the accounts of the local board. In any other district the accounts of each school committee shall be made up to the first of January and first of July in every year. The accounts shall be examined by the school board, and signed by the chairman within *one* month after the day to which they are made up.

As soon as practicable after the accounts are so signed they shall be audited.

Audit in a borough.

52. In a borough, other than Oxford, the audit shall be held by the same persons and in the same manner as the audit of the accounts of the council, and the auditors shall have the like powers and authorities, and be under the like obligations, as in the case of such audit.

Each auditor shall, in respect of each audit, be paid out of the school fund such reasonable sum, not being less than two guineas, for every day in which he is employed in such audit, as the council from time to time appoint, with his expenses of travelling to and from the place of audit.

Audit in a district not a borough.

53. With respect to the audit of accounts of the school board in Oxford and in a school district which is not a borough, the following provisions shall have effect:

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(1.) The auditor shall be from time to time appointed and may be removed by the Education Department. *The auditor shall receive such remuneration as the Education Department direct, and such remuneration, together with the expenses of or incident to the audit, shall be paid by the school board out of the school fund, and if unpaid may be recovered in a summary manner.*

(2.) The audit shall be held in a place approved by the Education Department, and at a time which is fixed by the auditor, but which shall be as soon as may be after the account is signed by the chairman.

(3.) The auditor at least *fourteen* days before holding the audit shall serve on the school board and publish notice of the time and place of holding the same.

(4.) The clerk of the school board shall attend the audit and produce to the auditor all books, bills, vouchers, and documents relating to the account.

(5.) Any ratepayer of the district may be present at the audit, and may object to the account.

(6.) The auditor shall as nearly as may be have the like powers and be under the like obligation to allow and disallow items in the account, and to charge the school board, or any member or officer thereof, or any person accountable to them or him, with any sum for which they or he may be accountable, as in the case of an audit of the accounts of overseers. And there may be an appeal to the Education Department by any person aggrieved by the decision of the auditor in like manner as in the case of such last-mentioned audit.

(7.) The auditor shall have the like powers of requiring the attendance of persons and the production of books, bills, vouchers, and documents as in the case of an audit of the accounts of overseers.

(8.) Any moneys, books, documents, and chattels certified by the auditor to be due from any person may be recovered from such person in like manner as in the case of an audit of the accounts of overseers, and the expenses incurred in such recovery shall be deemed to be part of the expenses of the audit.

(9.) The Education Department shall in all matters relating to the audit exercise the powers and be in the same position as the Poor Law Board in the case of the audit of the accounts of overseers, and, subject to the provisions of this section, may from time to time make such regulations as may be necessary respecting the audit.

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Penalty for improper payment of surcharge.

54. Any member or officer of a school board who authorizes or makes, or concurs in authorizing or making, any payment or any entry in accounts for the purpose of defraying or making up to himself or any other person the whole or any part of any sum of money unlawfully expended from the school fund, or disallowed or surcharged by any auditor, shall, on summary conviction, be liable to pay a penalty not exceeding *twenty* pounds and double the amount of such sum.

Publication of accounts.

55. When the auditors have completed the audit they shall sign the balance sheet.

The school board shall cause a statement showing the receipt and expenditure in respect of each parish, and other prescribed particulars, to be printed in the prescribed form, and sent within thirty days after the balance sheet is signed to each member of the rating authority, if distinct from the school board, and to the overseers of every parish in the district, and to the Education Department; and the clerk of the school board shall furnish a copy of such statement to any ratepayer in the district, on his application, and on the payment of a sum not exceeding *sixpence*.

Defaulting School Board.

Proceedings on default by school board.

56. Where the Education Department are satisfied that a school board is in default as mentioned in this Act, they may by order declare such board to be in default, and by the same or any other order appoint any persons, not less than three or more than twelve, to be members of such school board, and may from time to time remove any member so appointed, and fill up any vacancy in the number of such members, whether caused by removal, resignation, death, or otherwise, and, subject as aforesaid, add to or diminish the number of such members.

After the date of the order of appointment, the persons (if any) who were previously members of the school board shall be deemed to have vacated their offices as if they were dead, but any such member may be appointed a member by the Education Department. The members so appointed by the Education Department shall be deemed to be members of the school board in the same manner in all respects as if, by election or otherwise, they had duly become members of the school board under the other provisions of this Act, and may perform all the duties and exercise all the powers of the school board under this Act.

The members appointed by the Education Department shall hold office during the pleasure of the Education Department, and when that department consider that the said default has been remedied, and everything necessary for that purpose has been

carried into effect, they may, by order, direct that members be elected for the school board in the same manner as in the case of the first formation of the school board, or (in the metropolis) that the members of the board elected under the Poor Law Amendment Act, 1844, and the Acts amending the same, shall act as and become the members of the school board under this Act. After the date fixed by any such order, the members appointed by the Education Department shall cease to be members of the school board, and the members so elected or directed to act shall be members of the school board in their room. Until any such order is made no person shall become a member of the school board otherwise than by the appointment of the Education Department.

Where a school board is not elected at the time fixed for the first election, or has ceased to be in existence, the Education Department may proceed in the same manner as if such board had been elected and were in existence.

Nothing in this section shall affect the constitution of any school board appointed under the Poor Law Amendment Act, 1844, and the Acts amending the same, except so far as they form a school board under this Act.

Certificate of Education Department as to appointment, expenses, and loans.

57. The Education Department may from time to time certify the appointment of any persons appointed to perform the duty of a school board in default, and the amount of expenses that have been incurred by such persons, and the amount of any loan required to be raised for the purpose of defraying any expenses so incurred, or estimated as about to be incurred; and such certificate shall be conclusive evidence that all the requirements of this Act have been duly complied with, and that the persons so appointed have been duly appointed, and that the amounts therein mentioned have been incurred or are required.

Expenses incurred on default.

58. *The expenses incurred in the performance of their duties by the persons appointed by the Education Department to be members of a school board, including such remuneration (if any) as the Education Department may assign to such persons, shall, together with all expenses incurred by the board, be paid out of the school fund; and any deficiency in the school fund may be raised by the school board as provided by this Act; and where the Education Department have, either before or after the payment of such expenses, certified that any expenses have been incurred by a school board, or any members appointed by them, such expenses shall be deemed to have been so incurred, and to have been properly paid out of the school fund.*

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Where the members of a school board have been appointed by the Education Department, such school board shall not borrow or charge the school fund with the principal and interest of any loan exceeding such amount as the Education Department certify as mentioned in this Act to be required.

Returns and Inquiry.

Returns by local authority.

59. On or before the *first day of January one thousand eight hundred and seventy-one*, every local authority herein-after mentioned, and subsequently any such local authority whenever required by the Education Department, but not oftener than once in every year, shall send to the Education Department a return containing such particulars with respect to the elementary schools and children requiring elementary education in their district as the Education Department may from time to time require.

Mode of obtaining returns.

60. For the purpose of obtaining such returns, the Education Department shall draw up forms, and supply to the local authority such number of forms as may be required; and the managers or principal teacher of every school required to be included in any such return shall fill up the form, and return the same to the local authority within the time specified in that behalf in the form.

Local authority to make returns.

61. The returns shall be made in the metropolis by the school boards mentioned in the first schedule to this Act, and where there is no such board by the vestry or district board, as the case may be, in boroughs by the council, and in every parish not situated in a borough or the metropolis by persons appointed for the purpose or by the overseers of such parish. Where a school board is formed under this Act, the returns shall be made by such school board within their district, instead of by the council, persons appointed as aforesaid, or overseers, as the case may be.

The persons appointed for the purpose may be appointed as follows; namely, the Education Department may, if they think fit, send to the churchwardens or other officers whose duty it is to summon a vestry in such parish a requisition to summon, and such churchwardens or other officers shall summon, a vestry in such parish, for the purpose of this section; and such vestry shall appoint two or more persons who shall be the local authority for the purpose of the returns under this Act.

The local authority may, with the sanction of the Education Department, employ persons to assist in making such returns, and may pay those persons such remuneration as the Treasury may sanction. *That remuneration, and all such other reasonable expenses incurred by the local authority in making such returns as the Treasury may sanction, shall be paid by the Education Department.*

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62. If any local authority fail to make the returns required under this Act, such authority shall be deemed to be an authority in default, and the Education Department may proceed accordingly in the same manner as if such authority were a school board in default, and the provisions of this Act with respect to a school board in default shall apply accordingly, and shall be construed as if school board meant the local authority.

Proceedings on default of authority to make returns.

63. The Education Department may appoint any persons to act as inspectors of returns, who shall proceed to inquire into the accuracy and completeness of any one or more returns made in pursuance of this Act, and into the efficiency of any school mentioned in any such return, or which ought to have been mentioned therein, and to inspect and examine the scholars in every such school. Where there is no return the inspector shall proceed as if there had been a defective return.

Inquiry by inspectors of Education Department.

For the purposes of this section any such inspector may enter any elementary school and inspect the schoolhouse and examine the scholars.

64. If the managers or teacher of any school refuse or neglect to fill up the form required for the said return, or refuse to allow the inspector to inspect the schoolhouse or examine any scholar, such school shall not be taken into consideration among the schools giving efficient elementary education in the district.

Refusal to fill up forms and to admit inspectors.

Public inquiry.

65. Where a public inquiry is held in pursuance of the provisions of this Act, the following provisions shall have effect:

Public inquiry.

(1.) The Education Department shall appoint some person who shall proceed to hold the inquiry.

(2.) The person so appointed shall for that purpose hold a sitting or sittings in some convenient place in the neighbourhood of the school district to which the subject of inquiry relates, and thereat shall take and receive any evidence and information offered, and hear and inquire into any objections or representations made respecting the subject of the inquiry, with power from time to time to adjourn any sitting.

Notice shall be published in such manner as the Education Department direct of every such sitting (except an adjourned sitting) *seven* days at least before the holding thereof.

(3.) The person so appointed shall make a report in writing to the Education Department setting forth the result of the

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inquiry, and stating his opinion on the subject thereof, and his reasons for such opinion, and the objections and representations, if any, made on the inquiry, and his opinion thereon.

(4.) The Education Department may make an order directing that the costs of the proceedings and inquiry shall be paid according as they think just, either by the district as if they were expenses of a school board, or by the applicants for the inquiry; and such expenses may be recovered, in the former case, as expenses due from a school board might, if such board existed, be recovered, and, in the case of the applicants, as a debt due jointly and severally from them; and the Education Department may, if they think fit, before ordering the inquiry to be held, require the applicants to give security for such expenses, and in case of their refusal may refuse to order the inquiry to be held.

Attendance at School.

Attendance of child at school.

66. Every school board exercising powers under this Act may from time to time, with the approval of the Education Department, make byelaws for all or any of the following purposes:

(1.) Requiring the parents of children above the age of *five* years and under the age of *twelve* years to cause such children (unless there is some reasonable excuse) to attend school:

(2.) Determining the time during which children are so to attend school, provided that no such byelaw shall be contrary to anything contained in any Act for regulating the education of children employed in labour:

(3.) Providing for the remission of the whole or any part of the fees of any child where the parent satisfies the school board that he is unable from poverty to pay the same:

(4.) Imposing penalties for the breach of any byelaws:

(5.) Revoking or altering any byelaw previously made.

Any of the following reasons shall be a reasonable excuse; namely,

(1.) That the child is under efficient instruction in some other manner:

(2.) That the child has been prevented from attending school by sickness or any unavoidable cause:

(3.) That there is no public elementary school open which the child can attend within one mile, measured according to the nearest road from the residence of such child.

Any proceeding to enforce any byelaw may be taken, and any

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penalty for the breach of any byelaw may be recovered, in a summary manner; but no penalty imposed for the breach of any byelaw shall exceed *five shillings* for each offence, and such byelaws shall not come into operation until they have been laid before both Houses of Parliament for at least *forty* days.

If during such *forty* days an address is presented to Her Majesty, praying Her Majesty to withold her consent from such byelaws or from any part thereof, such byelaws or such part thereof shall not come into operation.

It shall be lawful for Her Majesty, by Order in Council, to declare her assent to the said byelaws or such part thereof as have not been included in any such address as aforesaid; and thereupon the same shall have effect as if they were enacted in this Act.

Miscellaneous.

Application of small endowments.

67. Where any school or any endowment of a school was excepted from The Endowed Schools Act, 1869, on the ground that such school was at the commencement of that Act in receipt of an annual parliamentary grant, the governing body (as defined by that Act) of such school or endowment, may frame and submit to the Education Department a scheme respecting such school or endowment.

The Education Department may approve such scheme with or without any modifications as they think fit.

The same powers may be exercised by means of such scheme as may be exercised by means of any scheme under the Endowed Schools Act, 1868; and such scheme, when approved by the Education Department, shall have effect as if it were a scheme made under that Act.

Parish divided by boundaries of boroughs.

68. Where a parish is situated partly within and partly without a borough, the part situate outside of the borough shall be taken to be for all the purposes of this Act, except as otherwise expressly mentioned, a parish by itself, and the inhabitants thereof may meet in vestry in the same manner in all respects as if they were the inhabitants of a parish, and be subject to the Act of the fifty-eighth year of the reign of King George the Third, chapter sixty-nine, and the Acts amending the same, and subject as aforesaid shall be summoned by the prescribed persons and in the prescribed manner.

Education Department may apply to Charity Commissioners under 16 & 17 Vict. c. 137, &c.

69. The Education Department shall, for the purposes of "The Charitable Trusts Acts, 1853 to 1869, be deemed to be persons interested in any elementary school to which those Acts are applicable, and the endowment thereof.

Ascertaining rateable value.

70. The rateable value of any parish or school district shall for the purposes of this Act be the rateable value as stated in the

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valuation lists, if any, and if there are none, then as stated in the rate book for the time being in force in such parish and in the parishes constituting the district.

Mode of publication of notices.

71. Notices and other matters required by this Act to be published shall be published,—

(1.) By advertisement in some one or more of the newspapers circulating in the district or place to which such notice relates:

(2.) By causing a copy of such notices or other matter to be published to be affixed on Sunday on or near the principal doors of every church and chapel in such district or place to which notices are usually affixed.

Notices may be served by post.

72. Notices, requisitions, orders, precepts, and all documents required by this Act to be served or sent may be served and sent by post, and shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notice, undertaking, requisition, order, precept, or document was prepaid, and properly addressed, and put into the post.

Notices to and by school board.

73. Notices, requisitions, orders, and other documents may be served on a school board by serving the same on their clerk, or by sending the same to or delivering the same at the office of such board.

Notices, requisitions, orders, precepts, and other documents may be in writing or in print, or partly in writing and partly in print, and if requiring authentication by a school board may be signed by their clerk.

Evidence of orders, &c. of Education Department.

74. All orders, minutes, requisitions, and documents of the Education Department, if purporting to be signed by some secretary or assistant secretary of the Education Department, shall, until the contrary is proved, be deemed to have been so signed and to have been made by the Education Department, and may be proved by the production of a copy thereof purporting to have been so signed.

Effect of requisitions of Education Department.

75. After the expiration of three months from the date of any order or requisition of the Education Department under this Act, such order or requisition shall be presumed to have been duly made, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.

Appearance of school board.

76. A school board may appear in all legal proceedings by their clerk, or by some member of the board authorized by a resolution of the board.

Tenure of teacher and

77. The provisions of the School Sites Acts with respect to the tenure of the office of the schoolmaster or schoolmistress, and to the

recovery of possession of any premises held over by a master or mistress who has been dismissed or ceased to hold office, shall extend to the case of any school provided by a school board, and of any master or mistress of such school, in the same manner as if the school board were the trustees or managers of the school as mentioned in those Acts.

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his removal from house under 4 & 5 Vict. c. 38. ss. 17, 18.

78. Every ratepayer in a school district may at all reasonable times, without payment, inspect and take copies of and extracts from all books and documents belonging to or under the control of the school board of such district.

Ratepayer may inspect books, &c. of school board.

Any person who hinders a ratepayer from so inspecting or taking copies of or extracts from any book or document, or demands a fee for allowing him so to do, shall be liable, on summary conviction, to a penalty not exceeding *five* pounds for each offence.

79. Where any school district formed under the Poor Law Amendment Act, 1844, and the Acts amending the same, includes places situate both within and without the metropolis as defined by this Act, all such places, so long as they are included in such school district, shall, except as is otherwise expressly provided, be deemed for the purpose of this Act to be part of the metropolis.

Special provision as to metropolitan school district. 7 & 8 Vict. c. 101.

In the case of the borough of Oxford, the provisions of this Act relating to boroughs shall be construed as if the local board were therein mentioned instead of the council.

Provision as to Oxford.

80. The schedules to this Act shall, with the notes thereto, be of the same force as if they were enacted in this Act, and the Acts mentioned in the fourth schedule to this Act may be cited in the manner in that schedule mentioned.

Effect of schedules.

81. Every school board exercising powers under this Act shall make such report and returns and give such information to the Education Department as the department may from time to time require.

Returns by school board.

(II.) Parliamentary Grant.

82. After the *thirty-first day* of March one thousand eight hundred and *seventy-two* no grant out of moneys provided by Parliament shall be made to any school which is not a public elementary school within the meaning of this Act.

Parliamentary grant to public school only,

83. The conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant shall be those contained in the minutes of the Education Department in force for the time being, but such conditions shall not require that the school shall be in connexion with a religious denomination, or that religious instruction shall be given in the school.

Conditions of annual parliamentary grant.

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Additional annual grant in certain cases.

84. *When in any year as reckoned for the purposes of an annual parliamentary grant the sum required for the purpose of the annual expenses of the school board of any school district, and actually raised by the board if they are the rating authority, or, if they are not the rating authority, actually paid to the treasurer of such board by the rating authority, amounted to a sum which would be raised by a rate of threepence in the pound on the rateable value of such district, and any such rate would have produced less than twenty pounds, or less than ten shillings per child of the number of children in average attendance at the public elementary schools provided by such school board, such school board shall be entitled, in addition to the annual parliamentary grant in aid of the public elementary schools provided by them, to such further sum out of moneys provided by Parliament as, when added to the sum actually raised or so paid by the rating authority, would make up ten shillings for each such child.*

Refusal of grant to unnecessary schools.

85. If the managers of any school which is situate in the district of a school board acting under this Act, and is not previously in receipt of an annual parliamentary grant, apply to the Education Department for a parliamentary grant, the Education Department may, if they think that such school is unnecessary, refuse such application.

The Education Department shall cause to be laid before both Houses of Parliament in every year a special report stating the cases in which they have refused a grant under this section during the preceding year, and their reasons for each such refusal.

Conditions of future building grant.

86. After the passing of this Act no parliamentary grant shall be made in aid of building, enlarging, improving, or fitting up any elementary school, unless, in addition to the other conditions (if any) prescribed by the Education Department, the instrument declaring the trust of such school provides to the satisfaction of the Education Department for the school being always conducted as a public elementary school within the meaning of this Act.

Power of schools to take parliamentary grants.

87. The managers of every elementary school shall have power to fulfil the conditions required in pursuance of this Act to be fulfilled in order to obtain a parliamentary grant, notwithstanding any provision contained in any instrument regulating the trusts or management of their school, and to apply such grant accordingly.

Report.

Annual report of Education Department.

88. The Education Department shall in every year cause to be laid before both Houses of Parliament a report of their proceedings under this Act during the preceding year.

FIRST SCHEDULE.

School District.	School Board.	Local Rate.	Rating Authority.
In the metropolis, school districts established under Poor Law Amendment Act, 1844, (7 & 8 Vict. c. 101, ss. 46, 7,) and Metropolitan Poor Act, 1867 (30 & 31 Vict. c. 6, ss. 47, 8.)	The school board appointed under 7 & 8 Vict. c. 101, and 30 & 31 Vict. c. 6.	As to building expenses, the poor rate. As to all other expenses, the Metropolitan Common Poor Fund.	As to building expenses, the guardians or other body of persons exercising the functions of guardians. As to other expenses, the receiver of the Metropolitan Common Poor Fund.
In the metropolis, the parishes mentioned in Schedule A. to the Metropolis Management Act, 1855, and not included for the time being in any school district above mentioned.	The vestry	The district rate	The vestry.
In the metropolis the districts mentioned in Schedule B. to the Metropolis Management Act, 1855, and not included for the time being in any school district above mentioned.	The district board	The district rate	The district board.
Boroughs, except Oxford.	The school board appointed under this Act.	The borough fund or borough rate.	The council.
District of the local board of Oxford.	The school board appointed under this Act.	Rate leviable by the local board.	The local board.
Parishes not included in any of the above-mentioned districts.	The school board appointed under this Act.	The poor rate	The overseers.

NOTES.

(1.) Where any part of the metropolis, not being included at the passing of this Act in one of the school districts under the Poor Law Amendment Act, 1844, (7 & 8 Vict. c. 101.) and Metropolitan Poor Act, 1867, (30 & 31 Vict. c. 6. is afterwards formed into or united with a school district under those Acts, the school board appointed under those Acts shall be a school board for the purposes of this Act; and the Education Department shall have the same power of making arrangements respecting the schools, property, rights, and liabilities of the school board, in the part so formed or united, as they have in the case of the dissolution of a united school district.

(2.) In the event of any change being made in any school district formed in the metropolis under the Poor Law Amendment Act, 1844, and the Acts amending the same, the Education Department shall have the same power of making arrangements respecting the schools, property, rights, and liabilities of the school board, in such altered district, as they have in the case of the dissolution of a united school district.

(3.) Where a school district under 7 & 8 Vict. c. 101. and 30 & 31 Vict. c. 6. includes any place not within the jurisdiction of the Metropolitan Board of Works, the local rate and rating authority in such place shall be the poor rate and the overseers.

SECOND SCHEDULE.

Rules respecting the Election of School Board.

1. The first election of a school board by a council shall be held on the prescribed day.

2. The annual election of members of a school board by a council shall take place on the *ninth* or some subsequent day in November in every year, to be fixed by such council.

3. The election by a council shall be conducted in the manner in which elections by the said council are ordinarily conducted, and it shall be the duty of the mayor to summon a meeting of the council for the purpose of such election.

4. The following regulations shall be made with respect to the election of a school board by a vestry; (that is to say,)

(*a.*) The meeting for the first election shall be held on the prescribed day:

(*b.*) The meeting for the annual election shall be held on the prescribed day:

(*c.*) On every occasion of the election of members of a school board the chairman of the school board, or in his default some member of the board, shall convene a meeting of the electors for the purpose of such election, and shall, at least *seven* days before, publish notice of the day, time, place, and object of such meeting:

(*d.*) The chairman of the school board, if present, shall be chairman of the meeting; and if he is not present, some ratepayer present, chosen by the meeting, shall be chairman; the chairman shall provide and regulate the proceedings at such meeting:

(*e.*) At any such meeting as aforesaid, any qualified person may be proposed by any ratepayer, and seconded by any other ratepayer:

(*f.*) If more qualified candidates are proposed than the numbers to be elected, a poll may be demanded; but if not, or if no poll is demanded, or if the demand for a poll is withdrawn, or if a poll is rendered unnecessary by the withdrawal of one or more of the candidates, the declaration of the chairman that the candidates are elected members of the school board shall be conclusive evidence of the fact:

(*g.*) If a poll is demanded, the chairman shall adjourn the meeting to such day, not less than *two* nor more than *four* weeks afterwards, as he thinks sufficient time for the convenient taking of the poll in the meantime.

5. If from any cause no meeting, either of a council or of a vestry, is held within the prescribed time for the election of a school board, the Education Department, on the application of any ratepayer in the district, may convene a meeting for the purpose of such election on such day as they may appoint

and may, if they think fit, appoint a person to act as chairman of such meeting. A.D. 1870.

If from any cause no election is made by a council or by a vestry then—

(*a.*) In the case of the first election, the meeting shall stand adjourned to the same day in the ensuing week, and so from time to time until an election is made, or the Education Department proceed as in the case of a school board in default.

(*b.*) In the case of an annual election the retiring members shall be deemed to be re-elected, or if there are no retiring members, or the retiring members or any of them refuse to serve, the continuing members of the school board shall elect a duly qualified person to fill each vacancy.

6. If an insufficient number of members are elected, those who are elected, together with the continuing members of the school board (if any), shall elect a duly qualified person to fill each vacancy.

7. Notice of the election of a person to be a member of the school board shall be sent to that person by the chairman of the meeting at which he is elected; in the case of the first election such notice shall be accompanied by a summons to attend the first meeting of the school board at the prescribed time.

8. The chairman of the school board shall at some meeting, as soon as conveniently may be after the first election, divide the members of the board by ballot into three classes, each class to be equal in number; the offices of the first class shall be vacated on the day prescribed for the retirement of members of school boards which happens during the first twelve months after the day of their election; the offices of the second class shall be vacated on the prescribed day which happens during the second twelve months after the day of their election; and the offices of the third class shall be vacated on the prescribed day which happens during the third twelve months after the day of their election; the offices of retiring members shall be filled by an equal number of newly elected members.

9. Retiring members shall retire from office on the prescribed day in each year.

10. Members chosen to fill the offices of retiring members shall come into office on the same prescribed day, and shall hold office for three years only.

11. Any person who ceases to be a member of the school board shall, if otherwise duly qualified, be re-eligible.

12. A member of the school board may resign on giving to the board *one* month's previous notice in writing of his intention so to do.

13. If a member of the school board absents himself during *six* successive months from all meetings of the board, except from temporary illness or other cause to be approved by the board, or is punished with imprisonment for any crime, or is adjudged bankrupt, or enters into a composition or arrangement with his creditors, such person shall cease to be a member of the school board, and his office shall thereupon be vacant.

14. If any casual vacancy in office occurs by death, resignation, disqualification, or otherwise, the school board shall elect some properly qualified person to fill up the vacancy.

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15. If by any means the number of members of a school board is reduced to less than the number required for a quorum, the Education Department may proceed as if such board were a board in default, or may appoint some person to summon a meeting of the council or vestry to fill up the vacancies. Such meeting shall be summoned and held in the same manner (so far as may be) as a meeting for the annual election of members of the school board, and the person so appointed shall, for the purpose of such meeting, be deemed to be the chairman, and at such meeting the council or vestry (as the case may be) may elect persons to fill up the vacancies in the school board.

16. The member chosen to fill up a casual vacancy shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred.

17. If the number of the board is reduced by a resolution passed under the provisions of this Act, the chairman shall at some meeting, as soon as may be after the passing of such resolution, determine by ballot on the members who shall retire, so as to reduce the number of the board to the number fixed by the resolution.

18. In the application of these rules to the borough of Oxford, mayor shall be deemed to mean the chairman of the local board, and the council shall be deemed to mean the local board.

19. The term "prescribed" in this schedule means prescribed by some minute of the Education Department.

THIRD SCHEDULE.

Proceedings of School Board.

1. The board shall meet for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, including the quorum at meetings of the board, as they think fit, subject to the following conditions:—

(*a.*) The first meeting shall be held on the *third* Thursday after the election of the board, and if not held on that day shall be held on some day to be fixed by the Education Department:

(*b.*) Not less than *one* ordinary meeting shall be held in each month; *one* meeting shall be held as soon as possible after every annual retirement of members:

(*c.*) An extraordinary meeting may be held at any time on the written requisition of *three* members of the board addressed to the clerk of the board:

(*d.*) The quorum to be fixed by the board shall consist of not less than *three* members:

(*e.*) Every question shall be decided by a majority of votes of the members present and voting on that question:

(*f.*) The names of the members present, as well as of those voting upon each question, shall be recorded : A.D. 1870.

(*g.*) No business involving the appointment or dismissal of a teacher, any new expense, or any payment (except the ordinary periodical payments), or any business which under this Act requires the consent of the Education Department, shall be transacted unless notice in writing of such business has been sent to every member of the board *seven* days at least before the meeting.

2. The board shall at their first meeting, and afterwards from time to time at their first meeting, after each annual retirement of members of the board, appoint one of their members to be chairman and one other of their members to be a vice-chairman for the twelve months following such choice.

3. If any casual vacancy occurs in the office of chairman or vice-chairman the board shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their members to fill such vacancy, and every such chairman or vice-chairman so elected as last aforesaid shall continue in office so long only as the person in whose place he may be so elected would have been entitled to continue if such vacancy had not happened.

4. If at any meeting the chairman is not present at the time appointed for holding the same, the vice-chairman shall be the chairman of the meeting, and if neither the chairman nor vice-chairman shall be present, then the members present shall choose some one of their number to be chairman of such meeting.

5. In case of an equality of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote.

6. All orders of the board for payment of money, and all precepts issued by the board, shall be deemed to be duly executed if signed by *two* or more members of the board authorized to sign them by a resolution of the board, and countersigned by the clerk ; but in any legal proceeding it shall be presumed, until the contrary is proved, that the members signing any such order or precept were authorized to sign them.

7. The appointment of any officer of the board may be made by a minute of the board, signed by the chairman of the board, and countersigned by the clerk (if any) of the board, and any appointment so made shall be as valid as if it were made under the seal of the board.

8. Precepts of the board may be in the form given at the end of this schedule.

Proceedings of Managers appointed by a School Board.

The managers may elect a chairman of their meetings. If no such chairman is elected, or if the chairman elected is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting. The managers may meet and adjourn as they think proper. The quorum of the managers shall consist of such number of members as may be prescribed by the School Board that appointed them, or if no number be prescribed, of *three* members. Every question at a meeting shall be determined by a majority of votes of the members present and voting

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on that question, and in case of an equal division of votes the chairman shall have a second or casting vote.

The proceedings of the managers shall not be invalidated by any vacancy or vacancies in their number.

Form of Precept.

School district of to wit.

To the council [*or* overseers, *&c.*] of the borough [*or* parish] of . These are to require you, the council [*or* overseers] of the borough [*or* parish] of , from and out of the moneys in the hands of your treasurer [*or* your hands], to pay on or before the day of into the hands of *A.B.*, treasurer of the school board of the said district, the sum of , being the amount required for the expenses of the said school board up to the of 18 ; and if there are no moneys in the hands of your treasurer [*or* your hands] to raise the same by means of a rate.

(Signed) *C.D.*, *E.F.*, Members of the school board of the district of .
G.H., clerk of the said school board.

FOURTH SCHEDULE.

SCHOOL SITES ACTS.

The following Acts may be cited together as the "School Sites Acts, 1841 to 1851,"

Year and Chapter of Act.	Title of Act.	Short Title by which Acts may be cited.
4 & 5 Vict. c. 38. -	An Act to afford further facilities for the conveyance and endowment of sites for schools.	The School Sites Act, 1841.
7 & 8 Vict. c. 37. -	An Act to secure the terms on which grants are made by Her Majesty out of the Parliamentary grant for the education of the poor; and to explain the Act of the fifth year of Her present Majesty, for the conveyance of sites for schools.	The School Sites Act, 1844.
12 & 13 Vict. c. 49. -	An Act to extend and explain the provisions of the Acts for the granting of sites for schools.	The School Sites Act, 1849.
14 & 15 Vict. c. 24. -	An Act to amend the Acts for the granting of sites for schools.	The School Sites Act, 1851.

Elementary Education.

A

BILL

To provide for public Elementary Education in England and Wales.

(*Prepared and brought in by Mr. William Edward Forster and Mr. Secretary Bruce.*)

Ordered, by The House of Commons, *to be Printed,* 17 *February* 1870.

[Bill 33.]

Under 5 *oz.*

543

Elementary Education Bill.

[AS AMENDED IN COMMITTEE.]

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A

B I L L

[AS AMENDED IN COMMITTEE]

TO

Provide for public Elementary Education in England and Wales. A.D. 1870.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Preliminary.

1. This Act may be cited as "The Elementary Education Act, 1870." Short title.

2. This Act shall not extend to Scotland or Ireland. Extent of Act.

3. In this Act,— Definitions:

The term "metropolis" means the places for the time being within the jurisdiction of the Metropolitan Board of Works under the Metropolis Management Act, 1855: "Metropolis:"

The term "borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of municipal corporations in England and Wales," and the Acts amending the same: "Borough:"

The term "parish" means a place for which a separate poor rate is or can be made: "Parish:"

The term "person" includes a body corporate: "Person:"

The term "Education Department" means "the Lords of the Committee of the Privy Council on Education:" "Education Department:"

The term "Her Majesty's inspectors" means the inspectors of schools appointed by Her Majesty on the recommendation of the Education Department: "Her Majesty's inspectors:"

The term "managers" includes all persons who have the management of any elementary school, whether the legal interest in the schoolhouse is or is not vested in them: "Managers:"

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"Teacher:" The term "teacher" includes assistant teacher, pupil teacher, sewing mistress, and every person who forms part of the educational staff of a school:

"Parent:" The term "parent" includes guardian and every person who is liable to maintain or has the actual custody of any child:

"Elementary school:" The term "elementary school" means a school or department of a school at which elementary education is the principal part of the education there given, and does not include any school or department of a school at which the scholars are boarded or clothed, or at which the ordinary payments in respect of the instruction, from each scholar, exceed ninepence a week:

"Schoolhouse:" The term "schoolhouse" includes the teacher's dwelling house, and the playground (if any) and the offices and all premises belonging to or required for a school:

"Vestry:" The term "vestry" means, where there is a select vestry elected by the parishioners under any general Act of Parliament, that select vestry, and elsewhere the parishioners of a parish meeting in vestry according to law:

"Parliamentary grant." The term "parliamentary grant" means a grant made in aid of an elementary school, either annually or otherwise, out of moneys provided by Parliament.

(I.) Local Provision for Schools.

School districts, &c. in schedule.

4. For the purposes of this Act, the respective districts, boards, rates and funds, and authorities described in the first schedule to this Act shall be the school district, the school board, the local rate, and the rating authority.

Supply of Schools.

School district to have sufficient public schools.

5. There shall be provided for every school district a sufficient amount of accommodation in public elementary schools (as hereinafter defined) available for all the children resident in such district for whose elementary education suitable provision is not otherwise made, and where there is an insufficient amount of such accommodation, in this Act referred to as "public school accommodation," the deficiency shall be supplied in manner provided by this Act.

Supply of schools in case of deficiency.

6. Where the Education Department, in the manner provided by this Act, are satisfied and have given public notice that there is an insufficient amount of public school accommodation for any school district, and the deficiency is not supplied within the time limited for the purpose, a school board shall be formed for such district and shall supply such deficiency, and in case of default by the school board the Education Department shall cause the duty of such board to be performed in manner provided by this Act.

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Regulations for conduct of public elementary school.

7. Every elementary school which is conducted in accordance with the following regulations shall be a public elementary school within the meaning of this Act; and every public elementary school shall be conducted in accordance with the following regulations; namely,

(1.) No child shall be required, as a condition of being admitted into or continuing in the school, to attend or to abstain from attending any Sunday school, or any place of religious worship, or any religious observance or any instruction in religious subjects in the school or elsewhere:

(2.) The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school shall be either at the beginning or at the end or at the beginning and the end of such meeting, and shall be inserted in a time table to be approved by the Education Department, and to be kept permanently and conspicuously affixed in every schoolroom; and any scholar may be withdrawn by his parent from such observance or instruction without forfeiting any of the other benefits of the school:

(3.) The school shall be open at all times to the inspection of any of Her Majesty's inspectors, so, however, that it shall be no part of the duties of such inspector to inquire into any instruction in religious subjects given at such school, or to examine any scholar therein in religious knowledge or in any religious subject or book:

(4.) The school shall be conducted in accordance with the conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant:

Proceedings for Supply of Schools.

Determination by Education Department of deficiency of public school accommodation.

8. For the purpose of determining with respect to every school district the amount of public school accommodation, if any, required for such district, the Education Department shall, immediately after the passing of this Act, cause such returns to be made as in this Act mentioned, and on receiving those returns, and after such inquiry, if any, as they think necessary, shall consider whether any and what public school accommodation is required for such district, and in so doing they shall take into consideration every school, whether public elementary or not, and whether actually situated in the school district or not, which in their opinion gives, or will when completed give, efficient elementary education to, and is or will be suitable for the children of such district.

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Notice by Education Department of public school accommodation required.

9. If the Education Department consider that the amount of public school accommodation for any school district is insufficient, they shall publish a notice setting forth with respect to such district the description thereof, the number, size, and description of the schools (if any) available for such district, which the Education Department have taken into consideration as above mentioned, and the amount and description of the public school accommodation which appears to them to be required for the district, and any other particulars which the Education Department think expedient.

If any persons being either—

(1.) Ratepayers of the district, not less than ten, or if less than ten being rated to the poor rate upon a rateable value of not less than one third of the whole rateable value of the district, or,

(2.) The managers of any elementary school in the district,

feel aggrieved by the declaration of such deficiency, such persons may, within one month after the publication of the notice, apply in writing to the Education Department for and the Education Department shall direct the holding of a public inquiry in manner provided by this Act.

After the expiration of such month, if no public inquiry is held, or after the receipt of the report made after such inquiry, as the case may be, the Education Department may publish a final notice stating the same particulars as were contained in the former notice, with such modifications (if any) as they think fit to make, and stating that the public school accommodation therein mentioned is to be provided forthwith.

Formation of school board and requisition to provide schools.

10. If at any time after the publication of the final notice the Education Department are satisfied that all the public school accommodation required by the final notice to be supplied, has not been so supplied, the Education Department may cause a school board to be formed for the district as provided in this Act, and may send a requisition to the school board so formed requiring them to take proceedings for supplying the public school accommodation mentioned in the requisition.

Provision of schools by school board.

11. The school board shall, within twelve months after the receipt of such requisition, provide such public school accommodation as is necessary in order to supply the public school accommodation specified in the requisition.

Proceedings on default of school board.

12. If the school board fail to comply with the requisition in manner aforesaid, they shall be deemed to be in default, and if the Education Department are satisfied that such board are in

default they may appoint any persons to perform the duty in which the school board have made default, and may otherwise proceed in manner directed by this Act with respect to a school board in default, and every school provided by persons so appointed shall be deemed for the purposes of this Act to have been provided by the school board in default.

Proceedings by Education Department after the first year.

13. After the receipt of any returns under this Act subsequently to the first with respect to any school district, and after such inquiry as the Education Department think necessary, the Education Department shall consider whether any and what public school accommodation is required in such district in the same manner as in the case of the first returns under this Act, and where in such district there is no school board acting under this Act they may issue notices and take proceedings in the same manner as they may after the receipt of the first returns under this Act, and where there is a school board in such district they shall proceed in manner directed by this Act.

Management and Maintenance of Schools by School Board.

Management of school by school board.

14. Every school provided by a school board shall be conducted under the control and management of such board in accordance with the following regulations:

(1.) The school shall be a public elementary school within the meaning of this Act:

(2.) No religious catechism or religious formulary which is distinctive of any particular denomination shall be taught in the school.

Appointment of managers by school board.

15. The school board may, if they think fit, from time to time delegate any of their powers under this Act except the power of raising money, and in particular may delegate the control and management of any school provided by them, with or without any conditions or restrictions, to a body of managers appointed by them, consisting of not less than three persons.

The school board may from time to time remove all or any of such managers and within the limits allowed by this section add to or diminish the number of or otherwise alter the constitution or powers of any body of managers formed by it under this section.

Any manager appointed under this section may resign on giving written notice to the board. The rules contained in the third schedule to this Act respecting the proceedings of bodies of managers appointed by a school board shall be observed.

Neglect by board of regulations

16. If the school board do or permit any act in contravention of or fail to comply with the regulations according to which a school

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of public elementary schools.

provided by them is required by this Act to be conducted, the Education Department may declare the school board to be and such board shall accordingly be deemed to be a board in default, and the Education Department may proceed accordingly, and every act or omission of any member of the school board, or any person under the control of the board, shall be deemed to be permitted by the board. If any dispute arises as to whether the school board have done or permitted any act in contravention of or have failed to comply with the said regulations, the matter shall be referred to the Education Department, whose decision thereon shall be final.

Fees of children.

17. Every child attending a school provided by any school board shall pay such weekly fee as may be prescribed by the school board, with the consent of the Education Department, but the school board may remit the whole or any part of such fee in the case of any child when they are of opinion that the parent of such child is unable from poverty to pay the same, but such remission shall not be deemed to be parochial relief given to such parent.

Maintenance by school board of schools and sufficient school accommodation.

18. The school board shall maintain and keep efficient every school provided by such board, and shall from time to time provide such additional school accommodation as is, in their opinion, necessary in order to supply a sufficient amount of public school accommodation for their district.

A school board may discontinue any school provided by them, or change the site of any such school, if they satisfy the Education Department that the school to be discontinued is unnecessary, or that such change of site is expedient.

If at any time the Education Department are satisfied that a school board have failed to perform their duty, either by not maintaining or keeping efficient every school provided by them, or by not providing such additional school accommodation as, in the opinion of the Education Department, is necessary in order to supply a sufficient amount of public school accommodation in their district, the Education Department may send them a requisition requiring them to fulfil the duty which they have so failed to perform; and if the school board fail within the time limited by such requisition, not being less than three months, to comply therewith to the satisfaction of the Education Department, such board shall be deemed to be a school board in default, and the Education Department may proceed accordingly.

Powers of school board for providing schools.

19. Every school board for the purpose of providing sufficient public school accommodation for their district, whether in obedience to any requisition or not, may provide, by building or

otherwise, schoolhouses properly fitted up, and may improve, enlarge, and fit up any schoolhouse provided by them, and supply school apparatus and everything necessary for the efficiency of the schools provided by them, and purchase and take on lease any land, and any right over land, or may exercise any of such powers. A.D. 1870.

Clause A. Compulsory purchase of sites.

20. With respect to the purchase of land by school boards for the purposes of this Act, the following provisions shall have effect (that is to say):

Regulations as to the purchase of land compulsorily.

(1.) The Lands Clauses Consolidation Act, 1845, and the Acts amending the same, shall be incorporated with this Act, except the provisions relating to access to the special Act; and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean the school board, and land shall be construed to include any right over land.

(2.) The school board, before putting in force any of the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement shall—

Publication of notices.

(a.) Publish during three consecutive weeks in the month of November a notice describing shortly the object for which the land is proposed to be taken, naming a place where a plan of the land proposed to be taken may be seen at all reasonable hours, and stating the quantity of land that they require; and shall further,

Service of notices.

(b.) In the month of December serve a notice in manner mentioned in this section on every owner or reputed owner, lessee or reputed lessee, and occupier of such land, defining in each case the particular land intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such land;

(c.) Such notice shall be served—

(a.) By delivery of the same personally on the person required to be served, or if such person is absent abroad, to his agent; or

(b.) By leaving the same at the usual or last known place of abode of such person as aforesaid, or by forwarding the same by post in a registered letter, addressed to the usual or last known place of abode of such person:

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Petition to Education Department.

(3.) Upon compliance with the provisions contained in this section with respect to notices, the school board may, if they think fit, present a petition under their seal to the Education Department, praying that an order may be made authorising the school board to put in force the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, so far as regards the land therein mentioned; the petition shall state the land intended to be taken and the purposes for which it is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking of such land, or who have returned no answer to the notice, and shall be supported by such evidence as the Education Department may from time to time require:

(4.) If, on consideration of the petition and proof of the publication and service of the proper notices, the Education Department think fit to proceed with the case, they may, if they think fit, appoint some person to inquire in the district in which the land is situate respecting the propriety of the proposed order, and also direct such person to hold a public inquiry:

(5.) After receiving a report made upon such inquiry, the Education Department may make the order prayed for, authorising the school board to put in force with reference to the land referred to in such order the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as they may think fit, and it shall be the duty of the school board to serve a copy of any order so made in the manner and upon the persons in which and upon whom notices in respect of the land to which the order relates are required by this Act to be served:

No order valid until confirmed by Parliament.

(6.) No order so made shall be of any validity unless the same has been confirmed by Act of Parliament; and it shall be lawful for the Education Department, as soon as conveniently may be, to obtain such confirmation, and the Act confirming such order shall be deemed to be a public general Act of Parliament:

Costs how to be defrayed.

(7.) All costs, charges, and expenses incurred by the Education Department in relation to any order under this section shall, to such amount as the Commissioners of Her Majesty's Treasury think proper to direct, become a charge

upon the school fund of the district to which such order relates, and be repaid to the said Commissioners of Her Majesty's Treasury by annual instalments not exceeding five, together with interest after the yearly rate of five pounds in the hundred, to be computed from the date of any such direction of the said Commissioners, upon so much of the principal sum due in respect of the said costs, charges and expenses as may from time to time remain unpaid.

The School Sites Acts as defined in the fourth schedule to this Act shall apply in the same manner as if the school board were trustees or managers of a school within the meaning of those Acts, and land may be acquired under any of the Acts mentioned in this section, or partly under one and partly under another Act.

Sale or lease of schoolhouse.

21. The provisions of the Charitable Trusts Acts 1853 to 1869, which relate to the sale, leasing, and exchange of lands belonging to any charity, shall extend to the sale, leasing, and exchange of the whole or any part of any land or schoolhouse belonging to a school board which may not be required by such board.

Managers may transfer school to school board.

22. The managers of any elementary school in the district of any school board, with the assent of such number of their body, if any, as under their constitution is binding on them, or, if there is no such number, of a majority of those members who are present at a meeting of their body duly constituted, may, with the consent of the Education Department, make an arrangement with the school board for transferring their school to such board, and the school board may assent to such arrangement.

Such arrangement may provide for the absolute conveyance to the school board of all the interest in the schoolhouse possessed by the managers or by any person who is trustee for the school, or for the lease of the same (with or without any restrictions) to the school board, or for the use by the school board of the schoolhouse during part of the week, and for the use of the same by the managers or some other person during the remainder of the week, or for any arrangement that may be agreed on. The arrangement may also provide for the transfer or application of any endowment belonging to the school, or for the school board undertaking to discharge any debt charged on the school not exceeding the value of the interest in the schoolhouse or endowment transferred to them.

When an arrangement is made under this section, the managers may, whether the legal interest in the schoolhouse or endowment is

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vested in them or in some person as trustee for the school, convey to the school board all such interest in the schoolhouse and endowment as is vested in them or in such trustee, or such smaller interest as may be required under the arrangement.

Every school so transferred shall be deemed to be a school provided by the school board.

Payment of school fees.

23. The school board may, if they think fit, pay the whole or any part of the school fees payable at any public elementary school by any child resident in their district whose parent is in their opinion unable from poverty to pay the same; but no such payment shall be made or refused on condition of the child attending any public elementary school other than such as may be selected by the parent; and such payment shall not be deemed to be parochial relief given to such parent.

Establishment of free school in special cases.

24. If a school board satisfy the Education Department that, on the ground of the poverty of the inhabitants of any place in their district, it is expedient, for the interests of education, to provide a school at which no fees shall be required from the scholars, the board may, subject to such rules and conditions as the Education Department may prescribe, provide such school, and may admit scholars to such school without requiring any fee.

Contribution to industrial schools. 29 & 30 Vict. c. 118.

25. A school board shall have the same powers of contributing money in the case of an industrial school as is given to a prison authority by section twelve of "The Industrial Schools Act, 1866;" and upon the election of a school board in a borough the council of that borough shall cease to have power to contribute under that section.

Establishment of industrial school.

26. A school board may, with the consent of the Education Department, establish and build a certified industrial school within the meaning of the Industrial Schools Act, 1866, and shall for that purpose have the same powers as they have for the purpose of providing sufficient school accommodation for their district: Provided that the school board, so far as regards any such industrial school, shall be subject to the jurisdiction of one of Her Majesty's Principal Secretaries of State in the same manner as the managers of any other industrial school are subject, and such school shall be subject to the provisions of the said Act, and not of this Act.

Constitution of School Boards.

School board.

27. The school board, where elected under this Act, shall be elected in manner provided by this Act, in a borough by the council, and in a parish by the vestry.

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Constitution of school board.

28. With respect to the constitution of a school board, the following provisions shall have effect:

(1.) The school board shall be a body corporate, by the name of the school board of the district to which they belong, having a perpetual succession and a common seal, with power to acquire and hold land for the purposes of this Act without any licence in mortmain:

(2.) No act or proceeding of the school board shall be questioned on account of any vacancy or vacancies in their body:

(3.) No defect in the qualification or election of any persons or person acting as members or member of the school board shall be deemed to vitiate any proceedings of such board in which he or they have taken part, in cases where the majority of members parties to such proceedings were duly entitled to act:

(4.) Any minute made of proceedings at meetings of the school board, if signed by any person purporting to be the chairman of the board, either at the meeting of the board at which such proceedings took place or at the next ensuing meeting of the board, shall be receivable in evidence in all legal proceedings without further proof, and until the contrary is proved every meeting of the school board, in respect of the proceedings of which minutes have been so made, shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified:

(5.) The members of a school board may apply any money in their hands for the purpose of indemnifying themselves against any law costs or damages which they may incur in or in consequence of the execution of the powers granted to them:

(6.) The rules contained in the third schedule to this Act with respect to the proceedings of school boards, and the other matters therein contained, shall be observed.

Election of school board.

29. With respect to the election under this Act of a school board, the following provisions shall have effect:

(1.) The number of members of a school board shall be three, or a multiple of three not exceeding twelve according as may be determined in the first instance by a resolution of the body which elects such board, and afterwards from time to time by a resolution of the school board, approved by the Education Department.

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(2.) The regulations contained in the second schedule to this Act with respect to the election and rotation of the members of the school board, and the other matters therein contained, shall be of the same force as if they were enacted as part of this section.

(3.) The Education Department may, at any time after the date at which they are authorized under this Act to cause a school board to be formed, send a requisition to the mayor, churchwardens, or other officers whose duty it is to summon the elective body; and the mayor, churchwardens, or other officers shall summon the elective body at the time specified in such requisition; and in case of default some person appointed by the Education Department may summon such body, and shall have for that purpose the same powers as the person in default.

Non-election, &c. of school board.

30. If, from any cause, in any school district, the school board either are not elected at the time fixed for the first election, or at any time cease to be in existence by reason of non-election, resignation, or otherwise, or neglect or refuse to act, the Education Department may proceed in the same manner as if there were a school board acting in such district, and that board were a board in default.

Disqualification of member of board.

31. No member of a school board, and no manager appointed by them, shall hold or accept any office or place of profit (other than that of mayor) the appointment to which is vested in the school board, or the body electing them, or any managers appointed by them, or in any way share or be concerned in the profits of any bargain or contract with or any work done under the authority of such school board, or managers appointed by them: Provided that this section shall not apply to—

(1.) Any sale of land or loan of money to a school board; or,

(2.) Any bargain or contract made with or work done by a company in which such member holds shares,

if he does not vote with respect to such sale, loan, bargain, contract, or work.

Any person who acts in contravention of this section shall be liable, on summary conviction, to a penalty not exceeding fifty pounds, and the said office or place of profit and his office as member or manager shall be vacant.

Appointment of officers.

32. A school board may appoint a clerk and a treasurer and other necessary officers, and the teachers required for any school provided by such board, to hold office during the pleasure of the board, and may assign them such salaries or remuneration (if any)

as they think fit, and may from time to time remove any of such officers; but no such appointment shall be made, except at the first meeting of such board, unless notice in writing has been sent to every member of the board. A.D. 1870.

Two or more school boards may arrange for the appointment of the same person to be an officer to both or all such boards.

Such officers shall perform such duties as may be assigned to them by the board who appoint them.

United School Districts.

33. Where the Education Department are of opinion that it would be expedient to form a school district larger than a borough or a parish or any school district formed under this Act, they may by order form a united school district by uniting any two or more adjoining school districts, and upon such union cause a school board to be formed for such united school district. Formation by Education Department of united districts.

A united school district shall for all the purposes of this Act be deemed to be a school district, and shall throughout this Act be deemed to be substituted for the school districts out of which it is constituted, and the school board of the united school district shall be the school board appointed under this Act, and the local rate and rating authority for the united district shall be in each of the constituent districts thereof the same as if such constituent district did not form part of the united school district.

34. The Education Department, after the receipt of the first returns under this Act, may cause inquiry to be made into the expediency of uniting any two or more school districts, and if after such inquiry they are of opinion that it would be expedient to unite any such school districts, they shall in the notice issued with respect to the amount of public school accommodation required for each of such districts state that they propose to unite such districts, and the provisions of this Act with respect to the application for a public inquiry by persons aggrieved by the said notice, and to the holding of such public inquiry, and to the final notice, shall apply in the case of the proposed union of districts, with this qualification, that it shall not be necessary to cause a public inquiry to be held with respect to the union of districts until after the expiration of the period allowed by the final notice for the supply of the school accommodation. The order for the union may be made at the time when the Education Department are first authorized to cause a school board to be formed or subsequently. Conditions of formation of district.

The order of the Education Department forming the district shall be evidence of the formation of such district, and after the expira-

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tion of three months from the date of such order the district shall be presumed to have been duly formed, and no objection to the formation thereof shall be entertained in any legal proceedings whatever.

Dissolution of united school district.

35. The Education Department may by order dissolve a united school district, and may deal with the constituent districts thereof in the same manner as if they had never been united, and may cause school boards to be elected therein.

Public inquiry as to united district in future.

36. The Education Department may at any time, after any proceedings after the first returns under this Act, if they think fit, cause inquiry to be made into the expediency of forming or dissolving a united school district, and where they propose at any time after such inquiry to form or dissolve a united school district, they shall publish notice of the proposed order not less than three months before the order is made; the like persons as are authorized to apply for a public inquiry after the first returns made under this Act may, if they feel aggrieved by the proposed order, apply in like manner for a public inquiry, and the Education Department shall cause a public inquiry to be held, and shall consider the report made to them upon such inquiry before they make the order for such formation or dissolution.

Constitution of school board in united school district.

37. The provisions in this Act respecting the constitution of the school board shall apply to the constitution of the school board in a united school district, and the name of the district shall be such as may be prescribed by the Education Department.

Election of school board in united school district.

38. In a united school district, the school board shall be such number of members elected separately by each of the districts constituting such united district as may be specified in the order forming the district, subject, nevertheless, to alteration in the same manner as in the case of any other school board. The provisions of this Act respecting the election of a school board in a district shall extend to the election of such members in each such district as if it were not part of a united district.

Arrangements on formation of united district.

39. Where any part of a proposed united school district includes any district or part of a district in which there is a school board already acting under this Act, or where a united school district is dissolved, the Education Department may by order dissolve such school board so far as it exists for the purposes of this Act, or make all necessary changes in the constitution of such existing school board, and may by order make proper arrangements respecting the schools, property, rights, and liabilities of such board, and all arrangements which may be necessary.

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Small parish.

40. If the Education Department are of opinion that any parish in a united school district is too small to be entitled to elect a member, they may by order direct that it shall for the purpose of electing a member be added to another parish, and thereupon the persons who would be entitled to meet and vote at the vestry if it were a parish shall be entitled for the purpose of the election to attend and vote at the vestry of the parish to which they are so added.

Contributory Districts.

Contributory district.

41. The Education Department may by order direct that one school district shall contribute towards the provision or maintenance of public elementary schools in another school district or districts, and in such case the former (or contributing district) shall pay to the latter (or school owning district or districts) such proportion of the expenses of such provision or maintenance or a sum calculated in such manner as the Education Department may from time to time prescribe.

Election of members by contributory district.

42. Where one school district contributes to the provision or maintenance of any school in another school district, such number of persons as the Education Department (having regard to the amount to be contributed by the contributing district) direct shall be elected in the contributing district, and shall be members of the school board of the school owning district, but such last-mentioned district shall, except so far as regards the raising of money and the attendance of children at school, be deemed alone to be the district of such school board; such members shall be elected by the school board, if any, or, if there is none,—

(1.) If the contributing district is a borough, by the council;

(2.) If the contributing district is a parish, by the vestry,

in the same manner as a school board for such borough or parish would be elected.

Notices and public inquiry as to contributory district.

43. The provisions of this Act with respect to the notices to be published, and the application for and the holding of a public inquiry in the case of an order for the formation of an united district, shall apply mutatis mutandis to an order respecting a contributory district.

An order respecting a contributory district shall be evidence of the formation of such district, and after the expiration of three months from the date thereof shall be presumed to have been duly made, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.

Any such order may be revoked or altered by an order of the Education Department, and a new order may be made in lieu

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thereof, and all the provisions of this Act respecting the making of an order for contribution shall apply to the making of an order for the revocation or alteration of an order for contribution.

Combination of school boards.

44. The school boards of any two or more school districts, with the sanction of the Education Department, may combine together for any purpose relating to elementary schools in such districts, and in particular may combine for the purpose of providing, maintaining, and keeping efficient schools common to such districts. Such agreements may provide for the appointment of a joint body of managers under the provisions of this Act with respect to the appointment of a body of managers, and for the proportion of the contributions to be paid by each school district, and any other matters which, in the opinion of the Education Department, are necessary for carrying out such agreement, and the expenses of such joint body of managers shall be paid in the proportions specified in the agreement by each of the school boards out of their school fund.

Expenses.

School fund of school board.

45. The expenses of the school board under this Act shall be paid out of a fund called the school fund. There shall be carried to the school fund all moneys received as fees from scholars, or out of moneys provided by Parliament, or raised by way of loan, or in any manner whatever received by the school board in their capacity of a school board under this Act, and any deficiency shall be raised by the school board as provided by this Act.

Deficiency of school fund raised out of rates.

46. Any sum required to meet any deficiency in the school fund, whether for satisfying past or future liabilities, shall be paid by the rating authority out of the local rate.

The school board, where they are not the rating authority, may serve their precept on the rating authority, requiring such authority to pay the amount specified therein to the treasurer of the school board out of the local rate, and such rating authority shall pay the same accordingly, and the receipt of such treasurer shall be a good discharge for the amount so paid, and the same shall be carried to the school fund.

If the rating authority have no moneys in their hands in respect of the local rate, they shall, or if they have paid the amount then for the purpose of reimbursing themselves they may, levy the said rate, or any contributions thereto, or any increase of the said rate or contributions, and for that purpose shall have the same powers of levying a rate and requiring contributions as they have for the

purpose of defraying expenses to which the local rate is ordinarily applicable. A.D. 1870.

Apportionment of school fund in united and contributory district.

47. In a united district the school board shall apportion the amount required to meet the deficiency in the school fund among the districts constituting such united district in proportion to the rateable value of each such constituent district, and may raise the same by a precept sent to the rating authority of each constituent district.

Where one school district contributes to the expenses of the schools in another school district, the authority of the school owning district may send their precept either to the school board, if any, or to the rating authority of the contributing district, requiring them to pay to their treasurer the amount therein specified, and such authority, or board, shall pay the same accordingly, and the receipt of the treasurer shall be a good discharge for the same, and such amount if paid by the school board shall be paid out of the school fund.

The precept, if sent to the rating authority, either on the default of the school board or otherwise, shall be deemed to be a precept for meeting a deficiency in the school fund, and the provisions of this Act shall apply accordingly.

Remedy of school board on default of rating authority, &c.

48. In either of the following cases, that is to say,

(1.) If the rating authority of any place make default in paying the amount specified in any precept of the school board, or

(2.) Where a school board require to raise a sum from any place which is part of a parish,

then, without prejudice to any other remedy, the school board may appoint an officer or officers to act as overseers within such place; and the officer or officers so from time to time appointed shall have within the said place all the powers of making and levying a rate for the purpose of defraying the sum due from such place which he or they would have if the said place were a parish, and such rate were a rate for the relief of the poor, and he or they were duly appointed an overseer or overseers of such parish, and he and they shall have such access to and use of the valuation lists and rate books of the parish or parishes comprised in or comprising such place as he or they may require.

Expense of providing a school may be spread over thirty years.

49. Where a school board incur any expense in providing or enlarging a schoolhouse, they may, with the consent of the Education Department, spread the payment over several years, not exceeding thirty, and may for that purpose borrow money on the security of the school fund, and may charge that fund and the

A.D. 1870. local rate with the payment of the principal and interest due in respect of the loan. They may, if they so agree with the mortgagee, pay the amount borrowed, with the interest, by equal annual instalments, not exceeding thirty, and if they do not so agree, they shall annually set aside one thirtieth of the sum borrowed as a sinking fund.

10 & 11 Vict. c. 16. For the purpose of such borrowing the clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the commissioners, shall be incorporated with this Act; and in the construction of those clauses for the purpose of this Act, this Act shall be deemed to be the special Act, and the school board which is borrowing shall be deemed to be the commissioners.

The Public Works Loan Commissioners may lend any money required under this section on the security of the school fund without requiring any further or other security.

Accounts and Audit.

Accounts to be made up and examined. **50.** In a borough, the accounts of the school board shall, once in every year, be made up and balanced to the same day to which are made up and balanced the accounts of the council of such borough, or in the case of Oxford, the accounts of the local board. In any other district the accounts of each school committee shall be made up to the first of January and first of July in every year. The accounts shall be examined by the school board, and signed by the chairman within one month after the day to which they are made up.

As soon as practicable after the accounts are so signed they shall be audited.

Audit in a borough. **51.** In a borough, other than Oxford, the audit shall be held by the same persons and in the same manner as the audit of the accounts of the council, and the auditors shall have the like powers and authorities, and be under the like obligations, as in the case of such audit.

Each auditor shall, in respect of each audit, be paid out of the school fund such reasonable sum, not being less than two guineas, for every day in which he is employed in such audit, as the council from time to time appoint, with his expenses of travelling to and from the place of audit.

Audit in a district not a borough. **52.** With respect to the audit of accounts of the school board in Oxford and in a school district which is not a borough, the following provisions shall have effect:

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(1.) The auditor shall be from time to time appointed and may be removed by the Education Department. The auditor shall receive such remuneration as the Education Department direct, and such remuneration, together with the expenses of or incident to the audit, shall be paid by the school board out of the school fund, and if unpaid may be recovered in a summary manner.

(2.) The audit shall be held in a place approved by the Education Department, and at a time which is fixed by the auditor, but which shall be as soon as may be after the account is signed by the chairman.

(3.) The auditor at least fourteen days before holding the audit shall serve on the school board and publish notice of the time and place of holding the same.

(4.) The clerk of the school board shall attend the audit and produce to the auditor all books, bills, vouchers, and documents relating to the account.

(5.) Any ratepayer of the district may be present at the audit, and may object to the account.

(6.) The auditor shall as nearly as may be have the like powers and be under the like obligation to allow and disallow items in the account, and to charge the school board, or any member or officer thereof, or any person accountable to them or him, with any sum for which they or he may be accountable, as in the case of an audit of the accounts of overseers. And there may be an appeal to the Education Department by any person aggrieved by the decision of the auditor in like manner as in the case of such last-mentioned audit.

(7.) The auditor shall have the like powers of requiring the attendance of persons and the production of books, bills, vouchers, and documents as in the case of an audit of the accounts of overseers.

(8.) Any moneys, books, documents, and chattels certified by the auditor to be due from any person may be recovered from such person in like manner as in the case of an audit of the accounts of overseers, and the expenses incurred in such recovery shall be deemed to be part of the expenses of the audit.

(9.) The Education Department shall in all matters relating to the audit exercise the powers and be in the same position as the Poor Law Board in the case of the audit of the accounts of overseers, and, subject to the provisions of this section, may from time to time make such regulations as may be necessary respecting the audit.

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Penalty for improper payment of surcharge.

53. Any member or officer of a school board who authorizes or makes, or concurs in authorizing or making, any payment or any entry in accounts for the purpose of defraying or making up to himself or any other person the whole or any part of any sum of money unlawfully expended from the school fund, or disallowed or surcharged by any auditor, shall, on summary conviction, be liable to pay a penalty not exceeding twenty pounds and double the amount of such sum.

Publication of accounts.

54. When the auditors have completed the audit they shall sign the balance sheet.

The school board shall cause a statement showing the receipt and expenditure in respect of each parish, and other prescribed particulars, to be printed in the prescribed form, and sent within thirty days after the balance sheet is signed to each member of the rating authority, if distinct from the school board, and to the overseers of every parish in the district, and to the Education Department; and the clerk of the school board shall furnish a copy of such statement to any ratepayer in the district, on his application, and on the payment of a sum not exceeding sixpence.

Defaulting School Board.

Proceedings on default by school board.

55. Where the Education Department are satisfied that a school board is in default as mentioned in this Act, they may by order declare such board to be in default, and by the same or any other order appoint any persons, not less than three or more than twelve, to be members of such school board, and may from time to time remove any member so appointed, and fill up any vacancy in the number of such members, whether caused by removal, resignation, death, or otherwise, and, subject as aforesaid, add to or diminish the number of such members.

After the date of the order of appointment, the persons (if any) who were previously members of the school board shall be deemed to have vacated their offices as if they were dead, but any such member may be appointed a member by the Education Department. The members so appointed by the Education Department shall be deemed to be members of the school board in the same manner in all respects as if, by election or otherwise, they had duly become members of the school board under the other provisions of this Act, and may perform all the duties and exercise all the powers of the school board under this Act.

The members appointed by the Education Department shall hold office during the pleasure of the Education Department, and when that department consider that the said default has been remedied, and everything necessary for that purpose has been

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carried into effect, they may, by order, direct that members be elected for the school board in the same manner as in the case of the first formation of the school board, or (in the metropolis) that the members of the board elected under the Poor Law Amendment Act, 1844, and the Acts amending the same, shall act as and become the members of the school board under this Act. After the date fixed by any such order, the members appointed by the Education Department shall cease to be members of the school board, and the members so elected or directed to act shall be members of the school board in their room. Until any such order is made no person shall become a member of the school board otherwise than by the appointment of the Education Department.

Where a school board is not elected at the time fixed for the first election, or has ceased to be in existence, the Education Department may proceed in the same manner as if such board had been elected and were in existence.

Nothing in this section shall affect the constitution of any school board appointed under the Poor Law Amendment Act, 1844, and the Acts amending the same, except so far as they form a school board under this Act.

Certificate of Education Department as to appointment, expenses, and loans.

56. The Education Department may from time to time certify the appointment of any persons appointed to perform the duty of a school board in default, and the amount of expenses that have been incurred by such persons, and the amount of any loan required to be raised for the purpose of defraying any expenses so incurred, or estimated as about to be incurred; and such certificate shall be conclusive evidence that all the requirements of this Act have been duly complied with, and that the persons so appointed have been duly appointed, and that the amounts therein mentioned have been incurred or are required.

Expenses incurred on default.

57. The expenses incurred in the performance of their duties by the persons appointed by the Education Department to be members of a school board, including such remuneration (if any) as the Education Department may assign to such persons, shall, together with all expenses incurred by the board, be paid out of the school fund; and any deficiency in the school fund may be raised by the school board as provided by this Act; and where the Education Department have, either before or after the payment of such expenses, certified that any expenses have been incurred by a school board, or any members appointed by them, such expenses shall be deemed to have been so incurred, and to have been properly paid out of the school fund.

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Where the members of a school board have been appointed by the Education Department, such school board shall not borrow or charge the school fund with the principal and interest of any loan exceeding such amount as the Education Department certify as mentioned in this Act to be required.

Returns and Inquiry.

Returns by local authority.

58. On or before the first day of January one thousand eight hundred and seventy-one, every local authority herein-after mentioned, and subsequently any such local authority whenever required by the Education Department, but not oftener than once in every year, shall send to the Education Department a return containing such particulars with respect to the elementary schools and children requiring elementary education in their district as the Education Department may from time to time require.

Mode of obtaining returns.

59. For the purpose of obtaining such returns, the Education Department shall draw up forms, and supply to the local authority such number of forms as may be required; and the managers or principal teacher of every school required to be included in any such return shall fill up the form, and return the same to the local authority within the time specified in that behalf in the form.

Local authority to make returns.

60. The returns shall be made in the metropolis by the school boards mentioned in the first schedule to this Act, and where there is no such board by the vestry or district board, as the case may be, in boroughs by the council, and in every parish not situated in a borough or the metropolis by persons appointed for the purpose or by the overseers of such parish. Where a school board is formed under this Act, the returns shall be made by such school board within their district, instead of by the council, persons appointed as aforesaid, or overseers, as the case may be.

The persons appointed for the purpose may be appointed as follows; namely, the Education Department may, if they think fit, send to the churchwardens or other officers whose duty it is to summon a vestry in such parish a requisition to summon, and such churchwardens or other officers shall summon, a vestry in such parish, for the purpose of this section; and such vestry shall appoint two or more persons who shall be the local authority for the purpose of the returns under this Act.

The local authority may, with the sanction of the Education Department, employ persons to assist in making such returns, and may pay those persons such remuneration as the Treasury may sanction. That remuneration, and all such other reasonable expenses incurred by the local authority in making such returns as the Treasury may sanction, shall be paid by the Education Department.

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Proceedings on default of authority to make returns.

61. If any local authority fail to make the returns required under this Act, such authority shall be deemed to be an authority in default, and the Education Department may proceed accordingly in the same manner as if such authority were a school board in default, and the provisions of this Act with respect to a school board in default shall apply accordingly, and shall be construed as if school board meant the local authority.

Inquiry by inspectors of Education Department.

62. The Education Department may appoint any persons to act as inspectors of returns, who shall proceed to inquire into the accuracy and completeness of any one or more returns made in pursuance of this Act, and into the efficiency of any school mentioned in any such return, or which ought to have been mentioned therein, and to inspect and examine the scholars in every such school. Where there is no return the inspector shall proceed as if there had been a defective return.

For the purposes of this section any such inspector may enter any elementary school and inspect the schoolhouse and examine the scholars.

Refusal to fill up forms and to admit inspectors.

63. If the managers or teacher of any school refuse or neglect to fill up the form required for the said return, or refuse to allow the inspector to inspect the schoolhouse or examine any scholar, such school shall not be taken into consideration among the schools giving efficient elementary education in the district.

Public inquiry.

Public inquiry.

64. Where a public inquiry is held in pursuance of the provisions of this Act, the following provisions shall have effect:

(1.) The Education Department shall appoint some person who shall proceed to hold the inquiry.

(2.) The person so appointed shall for that purpose hold a sitting or sittings in some convenient place in the neighbourhood of the school district to which the subject of inquiry relates, and thereat shall take and receive any evidence and information offered, and hear and inquire into any objections or representations made respecting the subject of the inquiry, with power from time to time to adjourn any sitting.

Notice shall be published in such manner as the Education Department direct of every such sitting (except an adjourned sitting) seven days at least before the holding thereof.

(3.) The person so appointed shall make a report in writing to the Education Department setting forth the result of the

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inquiry, and stating his opinion on the subject thereof, and his reasons for such opinion, and the objections and representations, if any, made on the inquiry, and his opinion thereon.

(4.) The Education Department may make an order directing that the costs of the proceedings and inquiry shall be paid according as they think just, either by the district as if they were expenses of a school board, or by the applicants for the inquiry; and such expenses may be recovered, in the former case, as expenses due from a school board might, if such board existed, be recovered, and, in the case of the applicants, as a debt due jointly and severally from them; and the Education Department may, if they think fit, before ordering the inquiry to be held, require the applicants to give security for such expenses, and in case of their refusal may refuse to order the inquiry to be held.

Attendance at School.

Attendance of child at school.

65. Every school board exercising powers under this Act may from time to time, with the approval of the Education Department, make byelaws for all or any of the following purposes:

(1.) Requiring the parents of children above the age of five years and under the age of twelve years to cause such children (unless there is some reasonable excuse) to attend school:

(2.) Determining the time during which children are so to attend school, provided that no such byelaw shall prevent the withdrawal of any child from any religious observance or instruction in religious subjects, or shall be contrary to anything contained in any Act for regulating the education of children employed in labour:

(3.) Providing for the remission of the whole or any part of the fees of any child where the parent satisfies the school board that he is unable from poverty to pay the same:

(4.) Imposing penalties for the breach of any byelaws:

(5.) Revoking or altering any byelaw previously made.

Any of the following reasons shall be a reasonable excuse; namely,

(1.) That the child is under efficient instruction in some other manner:

(2.) That the child has been prevented from attending school by sickness or any unavoidable cause:

(3.) That there is no public elementary school open which the child can attend within one mile, measured according to the nearest road from the residence of such child.

Any proceeding to enforce any byelaw may be taken, and any

penalty for the breach of any byelaw may be recovered, in a summary manner; but no penalty imposed for the breach of any byelaw shall exceed five shillings for each offence, and such byelaws shall not come into operation until they have been laid before both Houses of Parliament for at least forty days.

If during such forty days an address is presented to Her Majesty, praying Her Majesty to withold her consent from such byelaws or from any part thereof, such byelaws or such part thereof shall not come into operation.

It shall be lawful for Her Majesty, by Order in Council, to declare her assent to the said byelaws or such part thereof as have not been included in any such address as aforesaid; and thereupon the same shall have effect as if they were enacted in this Act.

Miscellaneous.

Application of small endowments.

66. Where any school or any endowment of a school was excepted from The Endowed Schools Act, 1869, on the ground that such school was at the commencement of that Act in receipt of an annual parliamentary grant, the governing body (as defined by that Act) of such school or endowment, may frame and submit to the Education Department a scheme respecting such school or endowment.

The Education Department may approve such scheme with or without any modifications as they think fit.

The same powers may be exercised by means of such scheme as may be exercised by means of any scheme under the Endowed Schools Act, 1868; and such scheme, when approved by the Education Department, shall have effect as if it were a scheme made under that Act.

Parish divided by boundaries of boroughs.

67. Where a parish is situated partly within and partly without a borough, the part situate outside of the borough shall be taken to be for all the purposes of this Act, except as otherwise expressly mentioned, a parish by itself, and the inhabitants thereof may meet in vestry in the same manner in all respects as if they were the inhabitants of a parish, and be subject to the Act of the fifty-eighth year of the reign of King George the Third, chapter sixty-nine, and the Acts amending the same, and subject as aforesaid shall be summoned by the prescribed persons and in the prescribed manner.

Education Department may apply to Charity Commissioners under 16 & 17 Vict. c. 137, &c.

68. The Education Department shall, for the purposes of "The Charitable Trusts Acts, 1853 to 1869, be deemed to be persons interested in any elementary school to which those Acts are applicable, and the endowment thereof.

Ascertaining rateable value.

69. The rateable value of any parish or school district shall for the purposes of this Act be the rateable value as stated in the

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valuation lists, if any, and if there are none, then as stated in the rate book for the time being in force in such parish and in the parishes constituting the district.

Mode of publication of notices.

70. Notices and other matters required by this Act to be published shall be published,—

(1.) By advertisement in some one or more of the newspapers circulating in the district or place to which such notice relates:

(2.) By causing a copy of such notices or other matter to be published to be affixed on Sunday on or near the principal doors of every church and chapel in such district or place to which notices are usually affixed.

Notices may be served by post.

71. Notices, requisitions, orders, precepts, and all documents required by this Act to be served or sent may be served and sent by post, and shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notice, undertaking, requisition, order, precept, or document was prepaid, and properly addressed, and put into the post.

Notices to and by school board.

72. Notices, requisitions, orders, and other documents may be served on a school board by serving the same on their clerk, or by sending the same to or delivering the same at the office of such board.

Notices, requisitions, orders, precepts, and other documents may be in writing or in print, or partly in writing and partly in print, and if requiring authentication by a school board may be signed by their clerk.

Evidence of orders, &c. of Education Department.

73. All orders, minutes, requisitions, and documents of the Education Department, if purporting to be signed by some secretary or assistant secretary of the Education Department, shall, until the contrary is proved, be deemed to have been so signed and to have been made by the Education Department, and may be proved by the production of a copy thereof purporting to have been so signed.

Effect of requisitions of Education Department.

74. After the expiration of three months from the date of any order or requisition of the Education Department under this Act, such order or requisition shall be presumed to have been duly made, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.

Appearance of school board.

75. A school board may appear in all legal proceedings by their clerk, or by some member of the board authorized by a resolution of the board.

Tenure of teacher and

76. The provisions of the School Sites Acts with respect to the tenure of the office of the schoolmaster or schoolmistress, and to th

recovery of possession of any premises held over by a master or mistress who has been dismissed or ceased to hold office, shall extend to the case of any school provided by a school board, and of any master or mistress of such school, in the same manner as if the school board were the trustees or managers of the school as mentioned in those Acts.

his removal from house under 4 & 5 Vict. c. 38. ss. 17, 18.

77. Every ratepayer in a school district may at all reasonable times, without payment, inspect and take copies of and extracts from all books and documents belonging to or under the control of the school board of such district.

Ratepayer may inspect books, &c. of school board.

Any person who hinders a ratepayer from so inspecting or taking copies of or extracts from any book or document, or demands a fee for allowing him so to do, shall be liable, on summary conviction, to a penalty not exceeding five pounds for each offence.

78. Where any school district formed under the Poor Law Amendment Act, 1844, and the Acts amending the same, includes places situate both within and without the metropolis as defined by this Act, all such places, so long as they are included in such school district, shall, except as is otherwise expressly provided, be deemed for the purpose of this Act to be part of the metropolis.

Special provision as to metropolitan school district. 7 & 8 Vict. c. 101.

In the case of the borough of Oxford, the provisions of this Act relating to boroughs shall be construed as if the local board were therein mentioned instead of the council.

Provision as to Oxford.

79. The schedules to this Act shall, with the notes thereto, be of the same force as if they were enacted in this Act, and the Acts mentioned in the fourth schedule to this Act may be cited in the manner in that schedule mentioned.

Effect of schedules.

80. Every school board exercising powers under this Act shall make such report and returns and give such information to the Education Department as the department may from time to time require.

Returns by school board.

(II.) Parliamentary Grant.

81. After the thirty-first day of March one thousand eight hundred and seventy-one no grant out of moneys provided by Parliament shall be made to any school which is not a public elementary school within the meaning of this Act.

Parliamentary grant to public school only.

82. The conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant shall be those contained in the minutes of the Education Department in force for the time being, but such conditions shall not require that the school shall be in connexion with a religious denomination, or that religious instruction shall be given in the school.

Conditions of annual parliamentary grant.

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Refusal of grant to unnecessary schools.

83. If the managers of any school which is situate in the district of a school board acting under this Act, and is not previously in receipt of an annual parliamentary grant, apply to the Education Department for a parliamentary grant, the Education Department may, if they think that such school is unnecessary, refuse such application.

The Education Department shall cause to be laid before both Houses of Parliament in every year a special report stating the cases in which they have refused a grant under this section during the preceding year, and their reasons for each such refusal.

Conditions of future building grant.

84. After the passing of this Act no parliamentary grant shall be made in aid of building, enlarging, improving, or fitting up any elementary school, unless, in addition to the other conditions (if any) prescribed by the Education Department, the instrument declaring the trust of such school provides to the satisfaction of the Education Department for the school being always conducted as a public elementary school within the meaning of this Act.

Power of schools to take parliamentary grants.

85. The managers of every elementary school shall have power to fulfil the conditions required in pursuance of this Act to be fulfilled in order to obtain a parliamentary grant, notwithstanding any provision contained in any instrument regulating the trusts or management of their school, and to apply such grant accordingly.

Report.

Annual report of Education Department.

86. The Education Department shall in every year cause to be laid before both Houses of Parliament a report of their proceedings under this Act during the preceding year.

FIRST SCHEDULE.

School District.	School Board.	Local Rate.	Rating Authority.
In the metropolis school districts established under Poor Law Amendment Act, 1844, (7 & 8 Vict. c. 101, ss. 46, 7,) and Metropolitan Poor Act, 1867 (30 & 31 Vict. c. 6, ss. 47, 8.)	The school board appointed under 7 & 8 Vict. c. 101, and 30 & 31 Vict. c. 6.	As to building expenses, the poor rate. As to all other expenses, the Metropolitan Common Poor Fund.	As to building expenses, the guardians or other body of persons exercising the functions of guardians. As to other expenses, the receiver of the Metropolitan Common Poor Fund.
In the metropolis the parishes mentioned in Schedule A. to the Metropolis Management Act, 1855, and not included for the time being in any school district above mentioned.	The vestry -	The district rate -	The vestry.
In the metropolis the districts mentioned in Schedule B. to the Metropolis Management Act, 1855, and not included for the time being in any school district above mentioned.	The district board	The district rate -	The district board.
Boroughs, except Oxford.	The school board appointed under this Act.	The borough fund or borough rate.	The council.
District of the local board of Oxford.	The school board appointed under this Act.	Rate leviable by the local board.	The local board.
Parishes not included in any of the above-mentioned districts.	The school board appointed under this Act.	The poor rate -	The overseers.

Notes.

(1.) Where any part of the metropolis, not being included at the passing of this Act in one of the school districts under the Poor Law Amendment Act, 1844, (7 & 8 Vict. c. 101.) and Metropolitan Poor Act, 1867, (30 & 31 Vict. c. 6. is afterwards formed into or united with a school district under those Acts, the school board appointed under those Acts shall be a school board for the purposes of this Act; and the Education Department shall have the same power of making arrangements respecting the schools, property, rights, and liabilities of the school board, in the part so formed or united, as they have in the case of the dissolution of a united school district.

(2.) In the event of any change being made in any school district formed in the metropolis under the Poor Law Amendment Act, 1844, and the Acts amending the same, the Education Department shall have the same power of making arrangements respecting the schools, property, rights, and liabilities of the school board, in such altered district, as they have in the case of the dissolution of a united school district.

(3.) Where a school district under 7 & 8 Vict. c. 101. and 30 & 31 Vict. c. 6. includes any place not within the jurisdiction of the Metropolitan Board of Works, the local rate and rating authority in such place shall be the poor rate and the overseers.

SECOND SCHEDULE.

Rules respecting the Election of School Board.

1. The first election of a school board by a council shall be held on the prescribed day.

2. The annual election of members of a school board by a council shall take place on the ninth or some subsequent day in November in every year, to be fixed by such council.

3. The election by a council shall be conducted in the manner in which elections by the said council are ordinarily conducted, and it shall be the duty of the mayor to summon a meeting of the council for the purpose of such election.

4. The following regulations shall be made with respect to the election of a school board by a vestry; (that is to say,)

(*a.*) The meeting for the first election shall be held on the prescribed day:

(*b.*) The meeting for the annual election shall be held on the prescribed day:

(*c.*) On every occasion of the election of members of a school board, the chairman or some member of the school board, if there be any, or if there be none the person or persons to whom the requisition of the Education Department to summon a vestry is sent, shall convene a meeting of the electors for the purpose of such election, and shall, at least seven days before, publish notice of the day, time, place, and object of such meeting:

(*d.*) The chairman of the school board, if present, shall be chairman of the meeting; and if he is not present, or there is no such chairman, some ratepayer present, chosen by the meeting, shall be chairman; the chairman shall preside and regulate the proceedings at such meeting:

(*e.*) At any such meeting as aforesaid, any person may be proposed by any ratepayer, and seconded by any other ratepayer:

(*f.*) If more candidates are proposed than the number to be elected, a poll may be demanded; but if not, or if no poll is demanded, or if the demand for a poll is withdrawn, or if a poll is rendered unnecessary by the withdrawal of one or more of the candidates, the declaration of the chairman that the candidates are elected members of the school board shall be conclusive evidence of the fact:

(*g.*) If a poll is demanded, a sufficient number of parishioners shall be appointed by the meeting to be inspectors of votes, so that not less than two inspectors shall be present at each place appointed for taking the votes at the poll, and after such appointment the chairman shall adjourn the meeting to such day, not less than two nor

more than four weeks afterwards, as he thinks sufficient time for the convenient taking of the poll in the meantime:

(*h.*) The poll shall be held on a day fixed by the chairman, and published by him, and shall commence at eight o'clock in the morning, and close at such time, not earlier than eight o'clock in the afternoon, as the chairman of the meeting may fix:

(*i.*) The poll shall be taken by ballot, each ratepayer delivering to the inspectors a folded paper containing the names of the persons for whom he votes:

(*j.*) Such paper shall be deposited, without being previously opened or examined, in a balloting glass or box, which shall be closed at the time fixed for the close of the poll; and the inspectors shall forthwith meet together and proceed to examine the said votes, and, if necessary, shall continue the examination by adjournment from day to day, not exceeding two days (Sunday excepted), until they have decided upon the persons who have been elected; the inspectors shall not make known to any person, except by order of some competent court, the manner in which any person has voted at the poll:

(*k.*) Each ratepayer shall have one vote only for each member of the board:

(*l.*) In case of an equality of votes the inspectors shall decide by lot upon the person to be elected:

(*m.*) The expenses of taking the poll shall be paid by the school board out of the school fund:

(*n.*) The Education Department may from time to time prescribe regulations, not being inconsistent with the provisions of this schedule, respecting the taking of the poll.

5. If from any cause no meeting, either of a council or of a vestry, is held within the prescribed time for the election of a school board, the Education Department, on the application of any ratepayer in the district, may convene a meeting for the purpose of such election on such day as they may appoint, and may, if they think fit, appoint a person to act as chairman of such meeting.

If from any cause no election is made by a council or by a vestry, then—

(*a.*) In the case of the first election, the meeting shall stand adjourned to the same day in the ensuing week, and so from time to time until an election is made, or the Education Department proceed as in the case of a school board in default.

(*b.*) In the case of an annual election the retiring members shall be deemed to be re-elected, or if there are no retiring members, or the retiring members or any of them refuse to serve, the continuing members of the school board shall elect a duly qualified person to fill each vacancy.

6. If an insufficient number of members are elected, those who are elected, together with the continuing members of the school board (if any), shall elect a duly qualified person to fill each vacancy.

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7. Notice of the election of a person to be a member of the school board shall be sent to that person by the chairman of the meeting at which he is elected; in the case of the first election such notice shall be accompanied by a summons to attend the first meeting of the school board at the prescribed time.

8. The chairman of the school board shall at some meeting, as soon as conveniently may be after the first election, divide the members of the board by ballot into three classes, each class to be equal in number; the offices of the first class shall be vacated on the day prescribed for the retirement of members of school boards which happens during the first twelve months after the day of their election; the offices of the second class shall be vacated on the prescribed day which happens during the second twelve months after the day of their election; and the offices of the third class shall be vacated on the prescribed day which happens during the third twelve months after the day of their election; the offices of retiring members shall be filled by an equal number of newly elected members.

9. Retiring members shall retire from office on the prescribed day in each year.

10. Members chosen to fill the offices of retiring members shall come into office on the same prescribed day, and shall hold office for three years only.

11. Any person who ceases to be a member of the school board shall, if otherwise duly qualified, be re-eligible.

12. A member of the school board may resign on giving to the board one month's previous notice in writing of his intention so to do.

13. If a member of the school board absents himself during six successive months from all meetings of the board, except from temporary illness or other cause to be approved by the board, or is punished with imprisonment for any crime, or is adjudged bankrupt, or enters into a composition or arrangement with his creditors, such person shall cease to be a member of the school board, and his office shall thereupon be vacant.

14. If any casual vacancy in office occurs by death, resignation, disqualification, or otherwise, the school board shall elect some properly qualified person to fill up the vacancy.

15. If by any means the number of members of a school board is reduced to less than the number required for a quorum, the Education Department may proceed as if such board were a board in default, or may appoint some person to summon a meeting of the council or vestry to fill up the vacancies. Such meeting shall be summoned and held in the same manner (so far as may be) as a meeting for the annual election of members of the school board, and the person so appointed shall, for the purpose of such meeting, be deemed to be the chairman, and at such meeting the council or vestry (as the case may be) may elect persons to fill up the vacancies in the school board.

16. The member chosen to fill up a casual vacancy shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred.

17. If the number of the board is reduced by a resolution passed under the provisions of this Act, the chairman shall at some meeting, as soon as may be

after the passing of such resolution, determine by ballot on the members who shall retire, so as to reduce the number of the board to the number fixed by the resolution. A.D. 1870.

18. In the application of these rules to the borough of Oxford, mayor shall be deemed to mean the chairman of the local board, and the council shall be deemed to mean the local board.

19. The term "prescribed" in this schedule means prescribed by some minute of the Education Department.

THIRD SCHEDULE.

Proceedings of School Board.

1. The board shall meet for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, including the quorum at meetings of the board, as they think fit, subject to the following conditions:—

(*a.*) The first meeting shall be held on the third Thursday after the election of the board, and if not held on that day shall be held on some day to be fixed by the Education Department:

(*b.*) Not less than one ordinary meeting shall be held in each month; one meeting shall be held as soon as possible after every annual retirement of members:

(*c.*) An extraordinary meeting may be held at any time on the written requisition of three members of the board addressed to the clerk of the board:

(*d.*) The quorum to be fixed by the board shall consist of not less than three members:

(*e.*) Every question shall be decided by a majority of votes of the members present and voting on that question:

(*f.*) The names of the members present, as well as of those voting upon each question, shall be recorded:

(*g.*) No business involving the appointment or dismissal of a teacher, any new expense, or any payment (except the ordinary periodical payments), or any business which under this Act requires the consent of the Education Department, shall be transacted unless notice in writing of such business has been sent to every member of the board seven days at least before the meeting.

2. The board shall at their first meeting, and afterwards from time to time at their first meeting, after each annual retirement of members of the board, appoint one of their members to be chairman and one other of their members to be a vice-chairman for the twelve months following such choice.

3. If any casual vacancy occurs in the office of chairman or vice-chairman the board shall, as soon as they conveniently can after the occurrence of

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such vacancy, choose one of their members to fill such vacancy, and every such chairman or vice-chairman so elected as last aforesaid shall continue in office so long only as the person in whose place he may be so elected would have been entitled to continue if such vacancy had not happened.

4. If at any meeting the chairman is not present at the time appointed for holding the same, the vice-chairman shall be the chairman of the meeting, and if neither the chairman nor vice-chairman shall be present, then the members present shall choose some one of their number to be chairman of such meeting.

5. In case of an equality of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote.

6. All orders of the board for payment of money, and all precepts issued by the board, shall be deemed to be duly executed if signed by two or more members of the board authorized to sign them by a resolution of the board, and countersigned by the clerk; but in any legal proceeding it shall be presumed, until the contrary is proved, that the members signing any such order or precept were authorized to sign them.

7. The appointment of any officer of the board may be made by a minute of the board, signed by the chairman of the board, and countersigned by the clerk (if any) of the board, and any appointment so made shall be as valid as if it were made under the seal of the board.

8. Precepts of the board may be in the form given at the end of this schedule.

Proceedings of Managers appointed by a School Board.

The managers may elect a chairman of their meetings. If no such chairman is elected, or if the chairman elected is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting. The managers may meet and adjourn as they think proper. The quorum of the managers shall consist of such number of members as may be prescribed by the School Board that appointed them, or if no number be prescribed, of three members. Every question at a meeting shall be determined by a majority of votes of the members present and voting on that question, and in case of an equal division of votes the chairman shall have a second or casting vote.

The proceedings of the managers shall not be invalidated by any vacancy or vacancies in their number.

Form of Precept.

School district of to wit.

To the council [*or* overseers, *&c.*] of the borough [*or* parish] of . These are to require you, the council [*or* overseers] of the borough [*or* parish] of , from and out of the moneys in the hands of your treasurer [*or* your hands], to pay on or before the day of into the hands of *A.B.*, treasurer of the school board of the said district, the sum of , being the amount required for the expenses of the said school board up to the of 18 ; and if there are no moneys

in the hands of your treasurer [*or* your hands] to raise the same by means of a rate. A.D. 1870.

(Signed) *C.D.*, *E.F.*, } Members of the school board of the district of .
G.H., clerk of the said school board.

FOURTH SCHEDULE.

School Sites Acts.

The following Acts may be cited together as the "School Sites Acts, 1841 to 1851."

Year and Chapter of Act.	Title of Act.	Short Title by which Acts may be cited.
4 & 5 Vict. c. 38. -	An Act to afford further facilities for the conveyance and endowment of sites for schools.	The School Sites Act, 1841.
7 & 8 Vict. c. 37. -	An Act to secure the terms on which grants are made by Her Majesty out of the Parliamentary grant for the education of the poor; and to explain the Act of the fifth year of Her present Majesty, for the conveyance of sites for schools.	The School Sites Act, 1844.
12 & 13 Vict. c. 49. -	An Act to extend and explain the provisions of the Acts for the granting of sites for schools.	The School Sites Act, 1849.
14 & 15 Vict. c. 24.	An Act to amend the Acts for the granting of sites for schools.	The School Sites Act, 1851.

Elementary Education.

A

BILL

[AS AMENDED IN COMMITTEE]

To provide for public Elementary Education in England and Wales.

(*Prepared and brought in by Mr. William Edward Forster and Mr. Secretary Bruce.*)

Ordered, by The House of Commons, *to be Printed,* 16 *June* 1870.

[Bill 167.]

Under 5 *oz.*

Elementary Education Bill.

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT.]

ARRANGEMENT OF CLAUSES.

Clauses.

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2. Extent of Act.
3. Definitions.

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20. Clause A. Compulsory purchase of sites. Regulations as to the purchase of land compulsorily. Publication of notices. Service of notices. Petition to Education Department. No order valid until confirmed by Parliament. Costs how to be defrayed.
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United School Districts.

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75. Ascertaining rateable value.
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81. Appearance of school board.
82. Tenure of teacher and his removal from house under 4 & 5 Vict. c. 38. s. 17–18.
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84. Clause K. Penalty for making incorrect return.
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86. Clause M. Penalty for forging or falsifying any voting paper, or obstructing the election.
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A

B I L L

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

TO

Provide for public Elementary Education in England and Wales. A.D. 1870.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Preliminary.

1. This Act may be cited as "The Elementary Education Act, 1870." Short title.

2. This Act shall not extend to Scotland or Ireland. Extent of Act.

3. In this Act,— Definitions:

The term "metropolis" means the places for the time being within the jurisdiction of the Metropolitan Board of Works under the Metropolis Management Act, 1855: "Metropolis:"

The term "borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of municipal corporations in England and Wales," and the Acts amending the same: "Borough:"

The term "parish" means a place for which a separate poor rate is or can be made: "Parish:"

The term "person" includes a body corporate: "Person:"

The term "Education Department" means "the Lords of the Committee of the Privy Council on Education:" "Education Department:"

The term "Her Majesty's inspectors" means the inspectors of schools appointed by Her Majesty on the recommendation of the Education Department: "Her Majesty's inspectors:"

The term "managers" includes all persons who have the management of any elementary school, whether the legal interest in the schoolhouse is or is not vested in them: "Managers:"

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"Teacher:" The term "teacher" includes assistant teacher, pupil teacher, sewing mistress, and every person who forms part of the educational staff of a school:

"Parent:" The term "parent" includes guardian and every person who is liable to maintain or has the actual custody of any child:

"Elementary school:" The term "elementary school" means a school or department of a school at which elementary education is the principal part of the education there given, and does not include any school or department of a school at which the ordinary payments in respect of the instruction, from each scholar, exceed ninepence a week:

"Schoolhouse:" The term "schoolhouse" includes the teacher's dwelling house, and the playground (if any) and the offices and all premises belonging to or required for a school:

"Vestry:" The term "vestry" means, where there is a select vestry elected by the parishioners under any general Act of Parliament, that select vestry, and elsewhere the parishioners of a parish meeting in vestry according to law:

"Parliamentary grant." The term "parliamentary grant" means a grant made in aid of an elementary school, either annually or otherwise, out of moneys provided by Parliament.

(I.) Local Provision for Schools.

School districts, &c. in schedule.

4. For the purposes of this Act, the respective districts, boards, rates and funds, and authorities described in the first schedule to this Act shall be the school district, the school board, the local rate, and the rating authority.

Supply of Schools.

School district to have sufficient public schools.

5. There shall be provided for every school district a sufficient amount of accommodation in public elementary schools (as herein-after defined) available for all the children resident in such district for whose elementary education efficient and suitable provision is not otherwise made, and where there is an insufficient amount of such accommodation, in this Act referred to as "public school accommodation," the deficiency shall be supplied in manner provided by this Act.

Supply of schools in case of deficiency.

6. Where the Education Department, in the manner provided by this Act, are satisfied and have given public notice that there is an insufficient amount of public school accommodation for any school district, and the deficiency is not supplied as herein-after required, a school board shall be formed for such district and shall supply

such deficiency, and in case of default by the school board the Education Department shall cause the duty of such board to be performed in manner provided by this Act.

Regulations for conduct of public elementary school.

7. Every elementary school which is conducted in accordance with the following regulations shall be a public elementary school within the meaning of this Act; and every public elementary school shall be conducted in accordance with the following regulations, (a copy of which regulations shall be conspicuously put up in every such school;) namely,

(1.) No child shall be required, as a condition of being admitted into or continuing in the school, to attend or to abstain from attending any Sunday school, or any place of religious worship, or any religious observance or any instruction in religious subjects in the school or elsewhere:

(2.) The time or times during which any religious observance is practised or instruction in religious subjects is given at any meeting of the school shall be either at the beginning or at the end or at the beginning and the end of such meeting, and shall be inserted in a time table to be approved by the Education Department, and to be kept permanently and conspicuously affixed in every schoolroom; and any scholar may be withdrawn by his parent from such observance or instruction without forfeiting any of the other benefits of the school:

(3.) The school shall be open at all times to the inspection of any of Her Majesty's inspectors, so, however, that it shall be no part of the duties of such inspector to inquire into any instruction in religious subjects given at such school, or to examine any scholar therein in religious knowledge or in any religious subject or book:

(4.) The school shall be conducted in accordance with the conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant:

Proceedings for Supply of Schools.

Determination by Education Department of deficiency of public school accommodation.

8. For the purpose of determining with respect to every school district the amount of public school accommodation, if any, required for such district, the Education Department shall, immediately after the passing of this Act, cause such returns to be made as in this Act mentioned, and on receiving those returns, and after such inquiry, if any, as they think necessary, shall consider whether any and what public school accommodation is required for such district, and in so

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doing they shall take into consideration every school, whether public elementary or not, and whether actually situated in the school district or not, which in their opinion gives, or will when completed give, efficient elementary education to, and is or will when completed be suitable for the children of such district.

Notice by Education Department of public school accommodation required.

9. The Education Department shall publish a notice of their decision as to the public school accommodation for any school district, setting forth with respect to such district the description thereof, the number, size, and description of the schools (if any) available for such district, which the Education Department have taken into consideration as above mentioned, and the amount and description of the public school accommodation, if any, which appears to them to be required for the district, and any other particulars which the Education Department think expedient.

If any persons being either—

(1.) Ratepayers of the district, not less than ten, or if less than ten being rated to the poor rate upon a rateable value of not less than one third of the whole rateable value of the district, or,

(2.) The managers of any elementary school in the district,

feel aggrieved by the declaration of such decision, such persons may, within one month after the publication of the notice, apply in writing to the Education Department for and the Education Department shall direct the holding of a public inquiry in manner provided by this Act.

At any time after the expiration of such month, if no public inquiry is directed, or after the receipt of the report made after such inquiry, as the case may be, the Education Department may, if they think that the amount of public school accommodation for the district is insufficient, publish a final notice stating the same particulars as were contained in the former notice, with such modifications (if any) as they think fit to make, and stating that the public school accommodation therein mentioned is to be provided within such time, not exceeding six months, as may be limited by such notice.

Formation of school board and requisition to provide schools.

10. If after the expiration of the time limited by the final notice the Education Department are satisfied that all the public school accommodation required by the final notice to be supplied has not been so supplied, nor is in course of being supplied with due despatch, the Education Department shall cause a school board to be formed for the district as provided in this Act, and shall send a requisition to the school board so formed requiring them

to take proceedings forthwith for supplying the public school accommodation mentioned in the requisition, and the school board shall supply the same accordingly.

Clause B. Formation of school boards without inquiry upon application.

11. In the following cases; (that is to say,)

(1.) Where application is made to the Education Department with respect to any school district by the body of persons which, if there were a school board in that district, would elect the school board:

(2.) Where the Education Department are satisfied that the managers of any elementary school in any school district are unable or unwilling any longer to maintain such school, and that if the school is discontinued the amount of public school accommodation for such district will be insufficient,

the Education Department may, if they think fit, without making the inquiry or publishing the notices required by this Act, before the formation of a school board but after such inquiry, public or other, and such notice as the Education Department think sufficient, cause a school board to be formed for such district, and send a requisition to such school board in the same manner in all respects as if they had published a final notice.

An application for the purposes of this section may be made by a resolution passed at a meeting of the said elective body summoned for the purpose after notice published at least a week previously, and the provisions of the second part of the second schedule to this Act, with respect to such meeting and the proceedings thereat, shall be observed.

Proceedings on default of school board.

12. If the school board fail to comply with the requisition within twelve months after the sending of such requisition in manner aforesaid, they shall be deemed to be in default, and if the Education Department are satisfied that such board are in default they may proceed in manner directed by this Act with respect to a school board in default.

Proceedings by Education Department after the first year.

13. After the receipt of any returns under this Act subsequently to the first with respect to any school district, and after such inquiry as the Education Department think necessary, the Education Department shall consider whether any and what public school accommodation is required in such district in the same manner as in the case of the first returns under this Act, and where in such district there is no school board acting under this Act they may issue notices and take proceedings in the same manner as they may after the receipt of the first returns under this Act, and where there is a school board in such district they shall proceed in manner directed by this Act.

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Management and Maintenance of Schools by School Board.

Management of school by school board.

14. Every school provided by a school board shall be conducted under the control and management of such board in accordance with the following regulations:

(1.) The school shall be a public elementary school within the meaning of this Act:

(2.) No religious catechism or religious formulary which is distinctive of any particular denomination shall be taught in the school.

Appointment of managers by school board.

15. The school board may, if they think fit, from time to time delegate any of their powers under this Act except the power of raising money, and in particular may delegate the control and management of any school provided by them, with or without any conditions or restrictions, to a body of managers appointed by them, consisting of not less than three persons.

The school board may from time to time remove all or any of such managers and within the limits allowed by this section add to or diminish the number of or otherwise alter the constitution or powers of any body of managers formed by it under this section.

Any manager appointed under this section may resign on giving written notice to the board. The rules contained in the third schedule to this Act respecting the proceedings of bodies of managers appointed by a school board shall be observed.

Neglect by board of regulations of public elementary schools.

16. If the school board do or permit any act in contravention of or fail to comply with the regulations according to which a school provided by them is required by this Act to be conducted, the Education Department may declare the school board to be and such board shall accordingly be deemed to be a board in default, and the Education Department may proceed accordingly, and every act or omission of any member of the school board, or manager appointed by them, or any person under the control of the board, shall be deemed to be permitted by the board. If any dispute arises as to whether the school board have done or permitted any act in contravention of or have failed to comply with the said regulations, the matter shall be referred to the Education Department, whose decision thereon shall be final.

Fees of children.

17. Every child attending a school provided by any school board shall pay such weekly fee as may be prescribed by the school board, with the consent of the Education Department, but the school board may remit the whole or any part of such fee in the case of any child when they are of opinion that the parent of such

child is unable from poverty to pay the same, but such remission shall not be deemed to be parochial relief given to such parent.

Maintenance by school board of schools and sufficient school accommodation.

18. The school board shall maintain and keep efficient every school provided by such board, and shall from time to time provide such additional school accommodation as is, in their opinion, necessary in order to supply a sufficient amount of public school accommodation for their district.

A school board may discontinue any school provided by them, or change the site of any such school, if they satisfy the Education Department that the school to be discontinued is unnecessary, or that such change of site is expedient.

If at any time the Education Department are satisfied that a school board have failed to perform their duty, either by not maintaining or keeping efficient every school provided by them, or by not providing such additional school accommodation as in the opinion of the Education Department, is necessary in order to supply a sufficient amount of public school accommodation in their district, the Education Department may send them a requisition requiring them to fulfil the duty which they have so failed to perform; and if the school board fail within the time limited by such requisition, not being less than three months, to comply therewith to the satisfaction of the Education Department, such board shall be deemed to be a school board in default, and the Education Department may proceed accordingly.

Powers of school board for providing schools.

19. Every school board for the purpose of providing sufficient public school accommodation for their district, whether in obedience to any requisition or not, may provide, by building or otherwise, schoolhouses properly fitted up, and improve, enlarge, and fit up any schoolhouse provided by them, and supply school apparatus and everything necessary for the efficiency of the schools provided by them, and purchase and take on lease any land, and any right over land, or may exercise any of such powers.

Clause A. Compulsory purchase of sites.

20. With respect to the purchase of land by school boards for the purposes of this Act, the following provisions shall have effect; (that is to say,)

Regulations as to the purchase of land compulsorily.

(1.) The Lands Clauses Consolidation Act, 1845, and the Acts amending the same, shall be incorporated with this Act, except the provisions relating to access to the special Act; and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean the school board, and land shall be construed to include any right over land.

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(2.) The school board, before putting in force any of the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, shall—

Publication of notices.

(a.) Publish, during three consecutive weeks in the month of November, a notice describing shortly the object for which the land is proposed to be taken, naming a place where a plan of the land proposed to be taken may be seen at all reasonable hours, and stating the quantity of land that they require; and shall further,

Service of notices.

(b.) In the month of December, serve a notice in manner mentioned in this section on every owner or reputed owner, lessee or reputed lessee, and occupier of such land, defining in each case the particular land intended to be taken, and requiring an answer stating whether the person so served assents, dissents, or is neuter in respect of taking such land;

(c.) Such notice shall be served—

(a.) By delivery of the same personally on the person required to be served, or, if such person is absent abroad, to his agent; or

(b.) By leaving the same at the usual or last known place of abode of such person as aforesaid, or by forwarding the same by post in a registered letter, addressed to the usual or last known place of abode of such person:

Petition to Education Department.

(3.) Upon compliance with the provisions contained in this section with respect to notices, the school board may, if they think fit, present a petition under their seal to the Education Department, praying that an order may be made authorising the school board to put in force the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, so far as regards the land therein mentioned; the petition shall state the land intended to be taken and the purposes for which it is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking of such land, or who have returned no answer to the notice, and shall be supported by such evidence as the Education Department may from time to time require:

(4.) If, on consideration of the petition and proof of the publication and service of the proper notices, the Education

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Department think fit to proceed with the case, they may, if they think fit, appoint some person to inquire in the district in which the land is situate respecting the propriety of the proposed order, and also direct such person to hold a public inquiry:

(5.) After such consideration and proof, and after receiving a report made upon any such inquiry, the Education Department may make the order prayed for, authorising the school board to put in force with reference to the land referred to in such order the powers of the said Acts with respect to the purchase and taking of land otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as they may think fit, and it shall be the duty of the school board to serve a copy of any order so made in the manner and upon the persons in which and upon whom notices in respect of the land to which the order relates are required by this Act to be served:

No order valid until confirmed by Parliament.

(6.) No order so made shall be of any validity unless the same has been confirmed by Act of Parliament; and it shall be lawful for the Education Department, as soon as conveniently may be, to obtain such confirmation, and the Act confirming such order shall be deemed to be a public general Act of Parliament. The Education Department, in case of their refusing or modifying such order, may make such order as they think fit for the allowance of the costs, charges, and expenses of any person whose land is proposed to be taken of and incident to such application and inquiry respectively:

Costs how to be defrayed.

(7.) All costs, charges, and expenses incurred by the Education Department in relation to any order under this section shall, to such amount as the Commissioners of Her Majesty's Treasury think proper to direct, and all costs, charges, and expenses of any person which shall be so allowed by the Education Department as aforesaid, become a charge upon the school fund of the district to which such order relates, and be repaid to the said Commissioners of Her Majesty's Treasury or to such person respectively, by annual instalments not exceeding five, together with interest after the yearly rate of five pounds in the hundred, to be computed from the date of any such direction of the said Commissioners, or allowance

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of such costs, charges, and expenses respectively upon so much of the principal sum due in respect of the said costs, charges, and expenses as may from time to time remain unpaid.

The School Sites Acts as defined in the fourth schedule to this Act shall apply in the same manner as if the school board were trustees or managers of a school within the meaning of those Acts, and land may be acquired under any of the Acts mentioned in this section, or partly under one and partly under another Act.

Sale or lease of schoolhouse.

21. The provisions of the Charitable Trusts Acts 1853 to 1869, which relate to the sale, leasing, and exchange of lands belonging to any charity, shall extend to the sale, leasing, and exchange of the whole or any part of any land or schoolhouse belonging to a school board which may not be required by such board.

Managers may transfer school to school board.

22. The managers of any elementary school in the district of a school board may, in manner provided by this Act, make an arrangement with the school board for transferring their school to such school board, and the school board may assent to such arrangement.

An arrangement under this section may be made by the managers by a resolution or other act as follows; (that is to say,)

(1.) Where there is any instrument declaring the trusts of the school, and such instrument provides any manner in which, or any assent with which a resolution or act binding the managers is to be passed or done, then in accordance with the provisions of such instrument:

(2.) Where there is no such instrument, or such instrument contains no such provisions, then in the manner and with the assent, if any, in and with which it may be shown to the Education Department to have been usual for a resolution or act binding such managers to be passed or done:

(3.) If no manner or assent can be shown to have been usual, then by a resolution passed by a majority of those members of their body who are present at a meeting of the body summoned for the purpose, and with the assent of any other person whose assent under the circumstances appear to the Education Department to be requisite.

And in every case such arrangement shall be made only—

(1.) With the consent of the Education Department; and

(2.) If there are annual subscribers to such school, with the consent of a majority of those of the annual subscribers who are present at a meeting duly summoned for the purpose.

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Provided that where there is any instrument declaring the trusts of the school, and such instrument contains any provision for the alienation of the school by any persons or in any manner or subject to any consent, any arrangement under this section shall be made by the persons in the manner and with the consent so provided.

Where it appears to the Education Department that there is any trustee of the school who is not a manager, they shall cause the managers to serve on such trustee, if his name and address are known, such notice as the Education Department think sufficient; and the Education Department shall consider and have due regard to any objections and representations he may make respecting the proposed transfer.

The consent of the Education Department shall be conclusive evidence that the arrangement has been made in conformity with this section.

An arrangement under this section may provide for the absolute conveyance to the school board of all the interest in the schoolhouse possessed by the managers or by any person who is trustee for the school, or for the lease of the same (with or without any restrictions) to the school board, or for the use by the school board of the schoolhouse during part of the week, and for the use of the same by the managers or some other person during the remainder of the week, or for any arrangement that may be agreed on. The arrangement may also provide for the transfer or application of any endowment belonging to the school, or for the school board undertaking to discharge any debt charged on the school not exceeding the value of the interest in the schoolhouse or endowment transferred to them.

When an arrangement is made under this section, the managers may, whether the legal interest in the schoolhouse or endowment is vested in them or in some person as trustee for them or the school, convey to the school board all such interest in the schoolhouse and endowment as is vested in them or in such trustee, or such smaller interest as may be required under the arrangement.

Nothing in this section shall authorise the managers to transfer any property which is not vested in them, or a trustee for them, or held in trust for the school; and where any person has any right given him by the trusts of the school to use the school for any particular purpose independently of such managers, nothing in this section shall authorise any interference with such right except with the consent of such person.

Every school so transferred shall be deemed to be a school provided by the school board.

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Payment of school fees.

23. The school board may, if they think fit, pay the whole or any part of the school fees payable at any public elementary school by any child resident in their district whose parent is in their opinion unable from poverty to pay the same; but no such payment shall be made or refused on condition of the child attending any public elementary school other than such as may be selected by the parent; and such payment shall not be deemed to be parochial relief given to such parent.

Establishment of free school in special cases.

24. If a school board satisfy the Education Department that, on the ground of the poverty of the inhabitants of any place in their district, it is expedient, for the interests of education, to provide a school at which no fees shall be required from the scholars, the board may, subject to such rules and conditions as the Education Department may prescribe, provide such school, and may admit scholars to such school without requiring any fee.

Contribution to industrial schools. 29 & 30 Vict. c. 118.

25. A school board shall have the same powers of contributing money in the case of an industrial school as is given to a prison authority by section twelve of "The Industrial Schools Act, 1866;" and upon the election of a school board in a borough the council of that borough shall cease to have power to contribute under that section.

Establishment of industrial school.

26. A school board may, with the consent of the Education Department, establish, build, and maintain a certified industrial school within the meaning of the Industrial Schools Act, 1866, and shall for that purpose have the same powers as they have for the purpose of providing sufficient school accommodation for their district: Provided that the school board, so far as regards any such industrial school, shall be subject to the jurisdiction of one of Her Majesty's Principal Secretaries of State in the same manner as the managers of any other industrial school are subject, and such school shall be subject to the provisions of the said Act, and not of this Act.

Constitution of School Boards.

School board.

27. The school board, where elected under this Act, shall be elected in manner provided by this Act, in a borough by the council, and in a parish by the ratepayers, provided that not less than one third of the number to be elected by a council shall be elected from persons who, at the time of the election, are not members of such council.

The school boards in the metropolis shall be elected by the parishioners of the parishes therein in manner provided by this Act.

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At every such election every voter shall be entitled to a number of votes equal to the number of the members of the school board to be elected, and may give all such votes to one candidate, or may distribute them among the candidates as he thinks fit.

Constitution of school board.

28. With respect to the constitution of a school board, the following provisions shall have effect:

(1.) The school board shall be a body corporate, by the name of the school board of the district to which they belong, having a perpetual succession and a common seal, with power to acquire and hold land for the purposes of this Act without any licence in mortmain:

(2.) No act or proceeding of the school board shall be questioned on account of any vacancy or vacancies in their body:

(3.) No disqualification of or defect in the election of any persons or person acting as members or member of the school board shall be deemed to vitiate any proceedings of such board in which he or they have taken part, in cases where the majority of members parties to such proceedings were duly entitled to act:

(4.) Any minute made of proceedings at meetings of the school board, if signed by any person purporting to be the chairman of the board, either at the meeting of the board at which such proceedings took place or at the next ensuing meeting of the board, shall be receivable in evidence in all legal proceedings without further proof, and until the contrary is proved every meeting of the school board, in respect of the proceedings of which minutes have been so made, shall be deemed to have been duly convened and held, and all the members thereof to have been duly qualified to act:

(5.) The members of a school board may apply any money in their hands for the purpose of indemnifying themselves against any law costs or damages which they may incur in or in consequence of the execution of the powers granted to them:

(6.) The rules contained in the third schedule to this Act with respect to the proceedings of school boards, and the other matters therein contained, shall be observed.

Election of school board.

29. With respect to the election under this Act of a school board, except in the metropolis, the following provisions shall have effect:

(1.) The number of members of a school board shall be such number not less than five nor more than fifteen as may

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be determined in the first instance by the Education Department, and afterwards from time to time by a resolution of the school board, approved by the Education Department.

(2.) The regulations contained in the second schedule to this Act with respect to the election and retirement of the members of the school board, and the other matters therein contained, shall be of the same force as if they were enacted as part of this section.

(3.) The Education Department may, at any time after the date at which they are authorised under this Act to cause a school board to be formed, send a requisition to the mayor or other officer or officers whose duty it is to summon the electing body; and the mayor or other officer or officers shall summon the electing body at the time specified in such requisition; and in case of default some person appointed by the Education Department may summon such body, and shall have for that purpose the same powers as the person in default.

Non-election, &c. of school board.

30. If, from any cause, in any school district, the school board either are not elected at the time fixed for the first election, or at any time cease to be in existence, or to be of sufficient number to form a quorum by reason of non-election, resignation, or otherwise, or neglect or refuse to act, the Education Department may proceed in the same manner as if there were a school board acting in such district, and that board were a board in default.

Clause C. Determination of disputes as to the election of school boards.

31. In case any question arises as to the right of any person to act as a member of a school board under this Act, the Education Department may, if they think fit, inquire into the circumstances of the case, and make such order as they deem just for determining the question, and such order shall be final unless removed by writ of certiorari during the term next after the making of such order.

Disqualification of member of board.

32. No member of a school board, and no manager appointed by them, shall hold or accept any place of profit the appointment to which is vested in the school board or in any managers appointed by them, nor shall in any way share or be concerned in the profits of any bargain or contract with or any work done under the authority of such school board or managers appointed by them: Provided that this section shall not apply to—

(1.) Any sale of land or loan of money to a school board; or,

(2.) Any bargain or contract made with or work done by a company in which such member holds shares;

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(3.) The insertion of any advertisement relating to the affairs of any such school board in any newspaper in which such member has a share or interest,

if he does not vote with respect to such sale, loan, bargain, contract, or work.

Any person who acts in contravention of this section shall be liable, on summary conviction, to a penalty not exceeding fifty pounds, and the said place of profit and his office as member or manager shall be vacant.

Clause D. Payment of chairman.

33. The school board for London may pay to the chairman of such board such salary as they may from time to time, with the sanction of the Education Department, fix.

Appointment of officers.

34. A school board may appoint a clerk and a treasurer and other necessary officers, including the teachers required for any school provided by such board, to hold office during the pleasure of the board, and may assign them such salaries or remuneration (if any) as they think fit, and may from time to time remove any of such officers; but no such appointment shall be made, except at the first meeting of such board, unless notice in writing has been sent to every member of the board.

Two or more school boards may arrange for the appointment of the same person to be an officer to both or all such boards.

Such officers shall perform such duties as may be assigned to them by the board or boards who appoint them.

Clause E. Officer to enforce attendance at school.

35. Every school board may, if they think fit, appoint an officer or officers to enforce any byelaws under this Act with reference to the attendance of children at school, and to bring children who are liable under the Industrial Schools Act, 1866, to be sent to a certified industrial school before two justices in order to their being so sent, and any expenses incurred under this section may be paid out of the school fund.

Clause F. School board in metropolis.

36. The provisions of this Act with respect to the formation and the election of school boards in boroughs and parishes shall not extend to the metropolis; and with respect to a school board in the metropolis the following provisions shall have effect:

(1.) The school board shall consist of such number of members elected by the divisions specified in the fifth schedule to this Act as the Education Department may by order fix:

(2.) The Education Department, as soon as may be after the passing of this Act, shall by order determine the boundaries

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of the said divisions for the purposes of this Act, and the number of members to be elected by each such division:

(3.) The provisions of this Act with respect to the constitution of the school board shall extend to the constitution of the school board under this section, and the name of the school board shall be the School Board for London:

(4.) The first election of the school board shall take place on such day, as soon as may be after the passing of this Act, as the Education Department may appoint, and subsequent elections shall take place in the month of November every third year on the day from time to time appointed by the school board:

(5.) At every election for each division, every voter shall be entitled to a number of votes equal to the number of the members of the school board to be elected for such division, and may give all such votes to one candidate, or may distribute them among the candidates, as he thinks fit:

(6.) Subject to the provisions contained in this section and in the second schedule to this Act, the members of the board shall be elected by the same persons and in the same manner as vestrymen under The Metropolis Management Act, 1855, and the Acts amending the same, and, subject as aforesaid, sections fourteen to nineteen, and twenty-one to twenty-seven, all inclusive, of The Metropolis Management Act, 1855, and section thirty-six of The Metropolis Management Amendment Act, 1862, shall, so far as is consistent with the tenor thereof, apply in the case of the election of members of the school board:

(7.) The school board shall proceed at once to supply their district with sufficient public school accommodation, and any requisition sent by the Education Department to such board may relate to any of the divisions mentioned in the fifth schedule to this Act in like manner as if it were a school district, and it shall not be necessary for the Education Department to publish any notices before sending such requisition:

(8.) The Education Department may, in the order fixing the boundaries of such divisions, name some person who shall be the returning officer for the purposes of the first election of the school board, and the person who is to be the deputy returning officer in each such division, and

such returning officer shall be the first chairman of the school board in the same manner as if he had been elected by the board:

(9.) The school board shall apportion the amount required to be raised to meet the deficiency in the school fund among the different parts of the metropolis mentioned in the third column of the first schedule to this Act in proportion to the rateable value of such parts as shown by the valuation list for the time being in force under "The Valuation (Metropolis) Act, 1869," or if any amount is so required before any such valuation list comes into force, in the same proportion and according to the same basis in and according to which the then last rate made by the Metropolitan Board of Works was assessed:

(10.) For obtaining payment of the amount specified in any precept sent by the school board to the rating authority for any part of the metropolis, the school board, in addition to any other powers and remedies, shall have the like powers as the Metropolitan Board of Works have for obtaining payment of any sum assessed by them on the same part of the metropolis.

Clause G. Alteration of number of members.

37. If at any time application is made to the Education Department by the school board for London, or by any six members of that board, and it is shown to the satisfaction of the Education Department that the population of any of the divisions mentioned in the fifth schedule to this Act, as shown by any census taken under the authority of Parliament, has varied materially from that shown by the previous census, or that the rateable value of any of the said divisions has materially varied from the rateable value of the same division ten years previously, the Education Department, after such inquiry as they think necessary, may, if they think fit, make an order altering, by way of increase or decrease, the number of members of that and any other division.

United School Districts.

Formation by Education Department of united districts.

38. Where the Education Department are of opinion that it would be expedient to form a school district larger than a borough or a parish or any school district formed under this Act, they may, except in the metropolis, by order form a united school district by uniting any two or more adjoining school districts, and upon such union cause a school board to be formed for such united school district.

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A united school district shall for all the purposes of this Act be deemed to be a school district, and shall throughout this Act be deemed to be substituted for the school districts out of which it is constituted, and the school board of the united school district shall be the school board appointed under this Act, and the local rate and rating authority for the united district shall be in each of the constituent districts thereof the same as if such constituent district did not form part of the united school district.

Conditions of formation of district.

39. The Education Department, as soon as may be after the passing of this Act, may cause inquiry to be made into the expediency of uniting any two or more school districts, and if after such inquiry they are of opinion that it would be expedient to unite any such school districts, they shall in the notice of their decision as to the public school accommodation for each of such districts state that they propose to unite such districts, and the provisions of this Act with respect to the application for a public inquiry by persons aggrieved by the said notice, and to the holding of such public inquiry, and to the final notice, shall apply in the case of the proposed union of districts, with this qualification, that it shall not be necessary to cause a public inquiry to be held with respect to the union of districts until after the expiration of the period allowed by the final notice for the supply of the school accommodation. The order for the union may be made at the time when the Education Department are first authorised to cause a school board to be formed or subsequently.

Any order of the Education Department forming or dissolving a united district shall be evidence of the formation or dissolution of such district, and after the expiration of three months from the date of such order the district shall be presumed to have been duly formed or dissolved, as the case may be, and no objection to the formation or dissolution thereof shall be entertained in any legal proceedings whatever.

Dissolution of united school district.

40. The Education Department may by order dissolve a united school district, and may deal with the constituent districts thereof in the same manner as if they had never been united, and may cause school boards to be elected therein.

Public inquiry as to united district in future.

41. The Education Department may at any time, after any proceedings after the first returns under this Act, if they think fit, cause inquiry to be made into the expediency of forming or dissolving a united school district, and where they propose at any time after such inquiry to form or dissolve a united school district, they shall publish notice of the proposed order not less than three

months before the order is made; the like persons as are authorized to apply for a public inquiry after the first returns made under this Act may, if they feel aggrieved by the proposed order, apply in like manner for a public inquiry, and the Education Department shall cause a public inquiry to be held, and shall consider the report made to them upon such inquiry before they make the order for such formation or dissolution.

Constitution of school board in united school district.

42. The provisions in this Act respecting the constitution of the school board shall apply to the constitution of the school board in a united school district, and the name of the district shall be such as may be prescribed by the Education Department.

Election of school board in united school district.

43. In a united school district, the school board shall be such number of members elected separately by each of the districts constituting such united district as may be specified in the order forming the district, subject, nevertheless, to alteration in the same manner as in the case of any other school board. The provisions of this Act respecting the election of a school board in a district shall extend to the election of such members in each such district as if it were not part of a united district.

Arrangements on formation of united district.

44. Where any part of a proposed united school district includes any district or part of a district in which there is a school board already acting under this Act, or where a united school district is dissolved, the Education Department may by order dissolve such school board so far as it exists for the purposes of this Act, or make all necessary changes in the constitution of such existing school board, and may by order make proper arrangements respecting the schools, property, rights, and liabilities of such board, and all arrangements which may be necessary.

Small parish.

45. If the Education Department are of opinion that any parish in a united school district has too few ratepayers to be entitled to elect a member of a school board, they may by order direct that it shall for the purpose of electing a member, and for all or any purposes of this Act, be added to another parish, and thereupon the persons who would be entitled to vote if it were a parish shall be entitled for the purpose of the election and for such purposes to vote in the parish to which their parish is so added.

Contributory Districts.

Contributory district.

46. The Education Department may by order direct that one school district shall contribute towards the provision or maintenance of public elementary schools in another school district or

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districts, and in such case the former (or contributing district) shall pay to the latter (or school owning district or districts) such proportion of the expenses of such provision or maintenance or a sum calculated in such manner as the Education Department may from time to time prescribe.

Election of members by contributory district.

47. Where one school district contributes to the provision or maintenance of any school in another school district, such number of persons as the Education Department (having regard to the amount to be contributed by the contributing district) direct shall be elected in the contributing district, and shall be members of the school board of the school owning district, but such last-mentioned district shall, except so far as regards the raising of money and the attendance of children at school, be deemed alone to be the district of such school board; such members shall be elected by the school board, if any, or, if there is none, by the body or bodies of persons who would elect a school board if there were one, in the same manner as a school board would be elected.

Notices and public inquiry as to contributory district.

48. The provisions of this Act with respect to the notices to be published, and the application for and the holding of a public inquiry in the case of an order for the formation of an united district, shall apply mutatis mutandis to an order respecting a contributory district.

An order respecting a contributory district shall be evidence of the formation of such district, and after the expiration of three months from the date thereof shall be presumed to have been duly made, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.

Any such order may be revoked or altered by an order of the Education Department, and a new order may be made in lieu thereof, and all the provisions of this Act respecting the making of an order for contribution shall apply to the making of an order for the revocation or alteration of an order for contribution.

Combination of school boards.

49. The school boards of any two or more school districts, with the sanction of the Education Department, may combine together for any purpose relating to elementary schools in such districts, and in particular may combine for the purpose of providing, maintaining, and keeping efficient schools common to such districts. Such agreements may provide for the appointment of a joint body of managers under the provisions of this Act with respect to the appointment of a body of managers, and for the proportion of the contributions to be paid by each school district, and any other matters which, in the opinion of the Education Department, are necessary for carrying out such agreement, and the

expenses of such joint body of managers shall be paid in the proportions specified in the agreement by each of the school boards out of their school fund.

Expenses.

School fund of school board.

50. The expenses of the school board under this Act shall be paid out of a fund called the school fund. There shall be carried to the school fund all moneys received as fees from scholars, or out of moneys provided by Parliament, or raised by way of loan, or in any manner whatever received by the school board, and any deficiency shall be raised by the school board as provided by this Act.

Deficiency of school fund raised out of rates.

51. Any sum required to meet any deficiency in the school fund, whether for satisfying past or future liabilities, shall be paid by the rating authority out of the local rate.

The school board may serve their precept on the rating authority, requiring such authority to pay the amount specified therein to the treasurer of the school board out of the local rate, and such rating authority shall pay the same accordingly, and the receipt of such treasurer shall be a good discharge for the amount so paid, and the same shall be carried to the school fund.

If the rating authority have no moneys in their hands in respect of the local rate, they shall, or if they have paid the amount then for the purpose of reimbursing themselves they may, levy the said rate, or any contributions thereto, or any increase of the said rate or contributions, and for that purpose shall have the same powers of levying a rate and requiring contributions as they have for the purpose of defraying expenses to which the local rate is ordinarily applicable.

Apportionment of school fund in united and contributory district.

52. In a united district the school board shall apportion the amount required to meet the deficiency in the school fund among the districts constituting such united district in proportion to the rateable value of each such constituent district, and may raise the same by a precept sent to the rating authority of each constituent district.

Where one school district contributes to the expenses of the schools in another school district, the authority of the school owning district may send their precept either to the school board, if any, or to the rating authority of the contributing district, requiring them to pay to their treasurer the amount therein specified, and such authority or board shall pay the same accordingly, and the receipt of the treasurer shall be a good discharge for the same, and such amount, if paid by the school board, shall be paid out of the school fund.

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The precept, if sent to the rating authority, either on the default of the school board or otherwise, shall be deemed to be a precept for meeting a deficiency in the school fund, and the provisions of this Act shall apply accordingly.

Remedy of school board on default of rating authority, &c.

53. In either of the following cases, that is to say,

(1.) If the rating authority of any place make default in paying the amount specified in any precept of the school board, or

(2.) Where a school board require to raise a sum from any place which is part of a parish,

then, without prejudice to any other remedy, the school board may appoint an officer or officers to act within such place; and the officer or officers so from time to time appointed shall have within the said place, for the purpose of defraying the sum due from such place, all the powers of the rating authority of levying the local rate and any contributions thereto, and also all the powers of making and levying a rate which he or they would have if the said place were a parish, and such rate were a rate for the relief of the poor, and he or they were duly appointed an overseer or overseers of such parish, and he and they shall have such access to and use of documents of the rating authority of such place relative to the local rate and all the valuation lists and rate books of the parish or parishes comprised in or comprising such place as he or they may require.

Expense of providing a school may be spread over thirty years.

54. Where a school board incur any expense in providing or enlarging a schoolhouse, they may, with the consent of the Education Department, spread the payment over several years, not exceeding thirty, and may for that purpose borrow money on the security of the school fund and local rate, and may charge that fund and the local rate with the payment of the principal and interest due in respect of the loan. They may, if they so agree with the mortgagee, pay the amount borrowed, with the interest, by equal annual instalments, not exceeding thirty, and if they do not so agree, they shall annually set aside one thirtieth of the sum borrowed as a sinking fund.

10 & 11 Vict. c. 16.

For the purpose of such borrowing the clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the commissioners, shall be incorporated with this Act; and in the construction of those clauses for the purpose of this Act, this Act shall be deemed to be the special Act, and the school board which is borrowing shall be deemed to be the commissioners.

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The Public Works Loan Commissioners may lend any money required under this section on the security of the school fund without requiring any further or other security.

Clause H. Borrowing by school board for London.

55. Any sum borrowed by the school board for London in pursuance of this Act, with the approval of the Education Department, may be borrowed from and may be lent by the Metropolitan Board of Works, and section thirty-seven of The Metropolitan Board of Works Loan Act, 1869, shall apply to such loan in the same manner as if the managers therein mentioned were the school board for London, and there were added to the sum therein authorised to be borrowed the sum authorised by the Education Department to be borrowed under this section.

Accounts and Audit.

Accounts to be made up and examined.

56. The accounts of the school board shall be made up and balanced to the twenty-fifth of March and twenty-ninth of September in every year. The accounts shall be examined by the school board, and signed by the chairman within one month after the day to which they are made up.

As soon as practicable after the accounts are so signed they shall be audited.

Audit in a district not a borough.

57. With respect to the audit of accounts of the school board the following provisions shall have effect:

(1.) The auditor shall be the auditor of accounts relating to the relief of the poor for the audit district in which the school district is situate, or if it is situate in more than one audit district by such of the auditors of the said audit district as the Poor Law Board may direct, and the term audit district in this provision shall be construed to include a parish for which an auditor is separately appointed to audit the accounts for the relief of the poor. The auditor shall receive such remuneration as the Poor Law Board direct, and such remuneration, together with the expenses of or incident to the audit, shall be paid by the school board out of the school fund, and if unpaid may be recovered in a summary manner.

(2.) The audit shall be held at the office of the school board or some other place sanctioned by the Poor Law Board within the school district, or within the union within which the school district or some part thereof is situate, and at a time which is fixed by the auditor, but which shall be

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as soon as may be after the account is signed by the chairman.

(3.) The auditor, at least fourteen days before holding the audit, shall serve on the school board and publish notice of the time and place of holding the same.

(4.) The clerk of the school board, or some person authorised by the school board, shall attend the audit and produce to the auditor all books, bills, vouchers, and documents relating to the account.

(5.) Any ratepayer of the district may be present at the audit, and may object to the account.

(6.) The auditor shall as nearly as may be have the like powers and be under the like obligation to allow and disallow items in the account, and to charge the school board, or any member or officer thereof, or any person accountable to them or him, with any sum for which they or he may be accountable, as in the case of an audit of the accounts relating to the relief of the poor in any union or parish. And any person aggrieved by the decision of the auditor shall have the like rights and remedies as in the case of such last-mentioned audit.

(7.) The auditor shall have the like powers of requiring the attendance of persons and the production of books, bills, vouchers, and documents as in the case of such last-mentioned audit.

(8.) Any moneys, books, documents, and chattels certified by the auditor to be due from any person may be recovered from such person in like manner as in the case of such last-mentioned audit, and the expenses incurred in such recovery shall be deemed to be part of the expenses of the audit.

(9.) Subject to the provisions of this section, the Poor Law Board may from time to time make such regulations as may be necessary respecting the audit.

Penalty for improper payment of surcharge.

58. Any member or officer of a school board, or manager appointed by them, who authorises or makes, or concurs in authorising or making, any payment or any entry in accounts for the purpose of defraying or making up to himself or any other person the whole or any part of any sum of money unlawfully expended from the school fund, or disallowed or surcharged by any auditor, shall, on summary conviction, be liable to pay a penalty not exceeding twenty pounds and double the amount of such sum.

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59. When the auditors have completed the audit they shall sign the balance sheet.

Publication of accounts.

The school board shall cause a statement showing their receipts and expenditure to be printed in such form and with such particulars as may be from time to time prescribed by the Education Department, and shall send the same within thirty days after the balance sheet is signed to each member of the rating authority, and to the overseers of every parish in the district, and to the Education Department; and the school board may, if they think fit, publish such statement or an abstract thereof in any local newspaper or newspapers circulating in the district, and shall furnish a copy of such statement to any ratepayer in the district, on his application, and on the payment of a sum not exceeding sixpence.

Defaulting School Board.

Proceedings on default by school board.

60. Where the Education Department are satisfied that a school board is in default as mentioned in this Act, they may by order declare such board to be in default, and by the same or any other order appoint any persons, not less than three or more than twelve, to be members of such school board, and may from time to time remove any member so appointed, and fill up any vacancy in the number of such members, whether caused by removal, resignation, death, or otherwise, and, subject as aforesaid, add to or diminish the number of such members.

After the date of the order of appointment, the persons (if any) who were previously members of the school board shall be deemed to have vacated their offices as if they were dead, but any such member may be appointed a member by the Education Department. The members so appointed by the Education Department shall be deemed to be members of the school board in the same manner in all respects as if, by election or otherwise, they had duly become members of the school board under the other provisions of this Act, and may perform all the duties and exercise all the powers of the school board under this Act.

The members appointed by the Education Department shall hold office during the pleasure of the Education Department, and when that department consider that the said default has been remedied, and everything necessary for that purpose has been carried into effect, they may, by order, direct that members be elected for the school board in the same manner as in the case of the first formation of the school board. After the date fixed by any such order, the members appointed by the Education

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Department shall cease to be members of the school board, and the members so elected or directed to act shall be members of the school board in their room. Until any such order is made no person shall become a member of the school board otherwise than by the appointment of the Education Department.

Where a school board is not elected at the time fixed for the first election, or has ceased to be in existence, the Education Department may proceed in the same manner as if such board had been elected and were in existence.

Certificate of Education Department as to appointment, expenses, and loans.

61. The Education Department may from time to time certify the appointment of any persons appointed to be members of a school board in default, and the amount of expenses that have been incurred by such persons, and the amount of any loan required to be raised for the purpose of defraying any expenses so incurred, or estimated as about to be incurred; and such certificate shall be conclusive evidence that all the requirements of this Act have been duly complied with, and that the persons so appointed have been duly appointed, and that the amounts therein mentioned have been incurred or are required.

Expenses incurred on default.

62. The expenses incurred in the performance of their duties by the persons appointed by the Education Department to be members of a school board, including such remuneration (if any) as the Education Department may assign to such persons, shall, together with all expenses incurred by the board, be paid out of the school fund; and any deficiency in the school fund may be raised by the school board as provided by this Act; and where the Education Department have, either before or after the payment of such expenses, certified that any expenses have been incurred by a school board, or any members appointed by them, such expenses shall be deemed to have been so incurred, and to have been properly paid out of the school fund.

Where the members of a school board have been appointed by the Education Department, such school board shall not borrow or charge the school fund with the principal and interest of any loan exceeding such amount as the Education Department certify as mentioned in this Act to be required.

Clause I. Dissolution of school boards.

63. Where the Education Department are of opinion that in the case of any school district the school board for such district are in default, or are not properly performing their duties under this Act, they may by order direct that the then members of the school board of such district shall vacate their seats, and that the vacancies shall be filled by a new election; and after the date fixed by any

such order the then members of such board shall be deemed to have vacated their seats, and a new election shall be held in the same manner, and the Education Department shall take the same proceedings for the purpose of such election as if it were the first election; and all the provisions of this Act relating to such first election shall apply accordingly.

The Education Department shall cause to be laid before both Houses of Parliament in every year a special report stating the cases in which they have made any order under this section during the preceding year, and their reasons for making such order.

Returns and Inquiry.

Returns by local authority.

64. On or before the first day of January one thousand eight hundred and seventy-one, every local authority herein-after mentioned, and subsequently any such local authority whenever required by the Education Department, but not oftener than once in every year, shall send to the Education Department a return containing such particulars with respect to the elementary schools and children requiring elementary education in their district as the Education Department may from time to time require.

Mode of obtaining returns.

65. For the purpose of obtaining such returns, the Education Department shall draw up forms, and supply to the local authority such number of forms as may be required; and the managers or principal teacher of every school required to be included in any such return shall fill up the form, and return the same to the local authority within the time specified in that behalf in the form.

Local authority to make returns.

66. The returns shall be made in the metropolis by the school board appointed under this Act, in boroughs by the council, and in every parish not situated in a borough or the metropolis by persons appointed for the purpose or by the overseers of such parish. Where a school board is formed under this Act, the returns shall be made by such school board within their district, instead of by the council, persons appointed as aforesaid, or overseers, as the case may be.

The persons appointed for the purpose may be appointed as follows; namely, the Education Department may, if they think fit, send to the overseers or other officers who have power to summon a vestry in such parish a requisition to summon, and such overseers or other officers shall summon, a vestry in such parish, for the purpose of this section; and such vestry shall appoint two or more persons who shall be the local authority for the purpose of the returns under this Act.

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The local authority may, with the sanction of the Education Department, employ persons to assist in making such returns, and may pay those persons such remuneration as the Treasury may sanction. That remuneration, and all such other reasonable expenses incurred by the local authority in making such returns as the Treasury may sanction, shall be paid by the Education Department.

Proceedings on default of authority to make returns.

67. If any local authority fail to make the returns required under this Act, the Education Department may appoint any person or persons to make such returns, and the person or persons so appointed shall for that purpose have the same powers and authorities as the local authority.

Inquiry by inspectors of Education Department.

68. The Education Department may appoint any persons to act as inspectors of returns, who shall proceed to inquire into the accuracy and completeness of any one or more returns made in pursuance of this Act, and into the efficiency and suitability of any school mentioned in any such return, or which ought to have been mentioned therein, and to inspect and examine the scholars in every such school. Where there is no return the inspector shall proceed as if there had been a defective return.

Refusal to fill up forms and to admit inspectors.

69. If the managers or teacher of any school refuse or neglect to fill up the form required for the said return, or refuse to allow the inspector to inspect the schoolhouse or examine any scholar, and examine the school books and registers, and make copies or extracts therefrom, such school shall not be taken into consideration among the schools giving efficient elementary education to the district.

Public Inquiry.

Public inquiry.

70. Where a public inquiry is held in pursuance of the provisions of this Act, the following provisions shall have effect:

(1.) The Education Department shall appoint some person who shall proceed to hold the inquiry.

(2.) The person so appointed shall for that purpose hold a sitting or sittings in some convenient place in the neighbourhood of the school district to which the subject of inquiry relates, and thereat shall take and receive any evidence and information offered, and hear and inquire into any objections or representations made respecting the subject of the inquiry, with power from time to time to adjourn any sitting.

Notice shall be published in such manner as the Education Department direct of every such sitting (except an adjourned sitting) seven days at least before the holding thereof.

(3.) The person so appointed shall make a report in writing to the Education Department setting forth the result of the inquiry, and stating his opinion on the subject thereof, and his reasons for such opinion, and the objections and representations, if any, made on the inquiry, and his opinion thereon; and the Education Department shall cause such report to be published and deposited with the churchwardens or overseers of the parishes to which the inquiry relates.

(4.) The Education Department may make an order directing that the costs of the proceedings and inquiry shall be paid according as they think just, either by the district as if they were expenses of a school board, or by the applicants for the inquiry; and such expenses may be recovered, in the former case, as expenses due from a school board might, if such board existed, be recovered, and, in the case of the applicants, as a debt due jointly and severally from them; and the Education Department may, if they think fit, before ordering the inquiry to be held, require the applicants to give security for such expenses, and in case of their refusal may refuse to order the inquiry to be held.

Attendance at School.

Attendance of child at school.

71. Every school board exercising powers under this Act may from time to time, with the approval of the Education Department, make byelaws for all or any of the following purposes:

(1.) Requiring the parents of children of such age, not less than five years nor more than thirteen years, as may be fixed by the byelaws, to cause such children (unless there is some reasonable excuse) to attend school:

(2.) Determining the time during which children are so to attend school, provided that no such byelaw shall prevent the withdrawal of any child from any religious observance or instruction in religious subjects, or shall require any child to attend school on any day or occasion set apart for religious observance by the religious body to which his

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parent belongs, or shall be contrary to anything contained in any Act for regulating the education of children employed in labour:

(3.) Providing for the remission or payment of the whole or any part of the fees of any child where the parent satisfies the school board that he is unable from poverty to pay the same:

(4.) Imposing penalties for the breach of any byelaws:

(5.) Revoking or altering any byelaw previously made.

Any of the following reasons shall be a reasonable excuse; namely,

(1.) That the child is under efficient instruction in some other manner:

(2.) That the child has been prevented from attending school by sickness or any unavoidable cause:

(3.) That there is no public elementary school open which the child can attend within such distance, not exceeding three miles, measured according to the nearest road from the residence of such child, as the byelaws may prescribe.

Any proceeding to enforce any byelaw may be taken, and any penalty for the breach of any byelaw may be recovered, in a summary manner; but no penalty imposed for the breach of any byelaw shall exceed such amount as with the costs will amount to five shillings for each offence, and such byelaws shall not come into operation until they have been sanctioned by Her Majesty in Council.

It shall be lawful for Her Majesty, by Order in Council, to declare her assent to the said byelaws; and thereupon the same shall have effect as if they were enacted in this Act.

Miscellaneous.

Application of small endowments.

72. Where any school or any endowment of a school was excepted from The Endowed Schools Act, 1869, on the ground that such school was at the commencement of that Act in receipt of an annual parliamentary grant, the governing body (as defined by that Act) of such school or endowment may frame and submit to the Education Department a scheme respecting such school or endowment.

The Education Department may approve such scheme with or without any modifications as they think fit.

The same powers may be exercised by means of such scheme as may be exercised by means of any scheme under the Endowed Schools Act, 1869; and such scheme, when approved by the Education Department, shall have effect as if it were a scheme made under that Act.

A certificate of the Education Department that a school was at the commencement of the Endowed Schools Act, 1869, in receipt of an annual Parliamentary grant shall be conclusive evidence of that fact for all purposes. A.D. 1870.

Parish divided by boundaries of boroughs.

73. Where a parish is situated partly within and partly without a borough, the part situate outside of the borough shall be taken to be for all the purposes of this Act, except as otherwise expressly mentioned, a parish by itself, and the ratepayers thereof may meet in vestry in the same manner in all respects as if they were the inhabitants of a parish; every such meeting, and also the meeting for the purposes of this Act of the ratepayers of any parish (the ratepayers of which have not usually met in vestry), shall be deemed to be a vestry, and, save as provided by this Act, be subject to the Act of the fifty-eighth year of the reign of King George the Third, chapter sixty-nine, and the Acts amending the same, and, subject as aforesaid, shall be summoned by the persons and in the mode prescribed by the Education Department; and the overseers of the whole parish shall be deemed to be the overseers of any such part of a parish.

Education Department may apply to Charity Commissioners under 16 & 17 Vict. c. 137, &c.

74. The Education Department shall, for the purposes of The Charitable Trusts Acts, 1853 to 1869, be deemed to be persons interested in any elementary school to which those Acts are applicable, and the endowment thereof.

Ascertaining rateable value.

75. The rateable value of any parish or school district shall for the purposes of this Act be the rateable value as stated in the valuation lists, if any, and if there are none, then as stated in the rate book for the time being in force in such parish and in the parishes constituting the district.

Mode of publication of notices.

76. Notices and other matters required by this Act to be published shall be published,—

(1.) By advertisement in some one or more of the newspapers circulating in the district or place to which such notice relates:

(2.) By causing a copy of such notices or other matter to be published to be affixed, during not less than twelve hours in the day, on Sunday on or near the principal doors of every church and chapel in such district or place to which notices are usually affixed, and at every other place in such district or place at which notices are usually affixed.

Notices may be served by post.

77. Notices, requisitions, orders, precepts, and all documents required by this Act to be served or sent may, unless otherwise

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expressly provided, be served and sent by post, and, till the contrary is proved, shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notice, undertaking, requisition, order, precept, or document was prepaid, and properly addressed, and put into the post.

Notices to and by school board.

78. Certificates, notices, requisitions, orders, and other documents may be served on a school board by serving the same on their clerk, or by sending the same to or delivering the same at the office of such board.

Notices, requisitions, orders, precepts, and other documents may be in writing or in print, or partly in writing and partly in print, and if requiring authentication by a school board may be signed by their clerk.

Evidence of orders, &c. of Education Department.

79. All orders, minutes, certificates, notices, requisitions, and documents of the Education Department, if purporting to be signed by some secretary or assistant secretary of the Education Department, shall, until the contrary is proved, be deemed to have been so signed and to have been made by the Education Department, and may be proved by the production of a copy thereof purporting to have been so signed.

Effect of requisitions of Education Department.

80. After the expiration of three months from the date of any order or requisition of the Education Department under this Act, such order or requisition shall be presumed to have been duly made, and no objection to the legality thereof shall be entertained in any legal proceeding whatever.

Appearance of school board.

81. A school board may appear in all legal proceedings by their clerk, or by some member of the board authorized by a resolution of the board; and every such resolution shall appear upon the minutes of the proceedings of the board.

Tenure of teacher and his removal from house under 4 & 5 Vict. c. 38. ss. 17, 18.

82. The provisions of the School Sites Acts with respect to the tenure of the office of the schoolmaster or schoolmistress, and to the recovery of possession of any premises held over by a master or mistress who has been dismissed or ceased to hold office, shall extend to the case of any school provided by a school board, and of any master or mistress of such school, in the same manner as if the school board were the trustees or managers of the school as mentioned in those Acts.

Ratepayer may inspect books, &c.

83. Every ratepayer in a school district may at all reasonable times, without payment, inspect and take copies of and extracts

from all books and documents belonging to or under the control of the school board of such district. A.D. 1870.

of school board.

Any person who hinders a ratepayer from so inspecting or taking copies of or extracts from any book or document, or demands a fee for allowing him so to do, shall be liable, on summary conviction, to a penalty not exceeding five pounds for each offence.

Clause K. Penalty for making incorrect return.

84. If any returning officer, assessor, clerk, or other person engaged in an election of a school board under this Act wilfully makes or causes to be made an incorrect return of the votes given at such election, every such offender shall, upon summary conviction, be liable to a penalty not exceeding fifty pounds.

Clause L. Penalty on personation of voter.

85. If any person wilfully personates any person entitled to vote in the election of a school board under this Act, or answers falsely any question put to him in voting in pursuance of the second schedule to this Act, or falsely assumes to act in the name or on the behalf of any person so entitled to vote, he shall be liable, on summary conviction, for every such offence, to a penalty not exceeding twenty pounds.

Clause M. Penalty for forging or falsifying any voting paper or obstructing the election.

86. If any person knowingly personate and falsely assume to vote in the name of any person entitled to vote in any election under this Act, or forge or in any way falsify any name or writing in any paper purporting to contain the vote or votes of any person voting in any such election, or by any contrivance attempt to obstruct or prevent the purposes of any such election, or wilfully contravene any regulation made by the Education Department under the second schedule to this Act with respect to the election, the contravention of which is expressed to involve a penalty, the person so offending shall upon summary conviction be liable to a penalty of not more than fifty pounds, and in default of payment thereof to be imprisoned for a term not exceeding six months.

Clause N. Corrupt practices.

87. Any person who at the election of any member of a school board or any assessor appointed for the purpose of such election is guilty of corrupt practices, shall on conviction for each offence be liable to a penalty not exceeding two pounds, and be disqualified for the term of six years after such election from exercising any franchise at any election under this Act, or at any municipal or parliamentary election.

The term corrupt practices in this section includes all bribery, treating, and undue influence which under any Act relating to a parliamentary election renders such election void.

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Provision as to Oxford.

88. In the case of the borough of Oxford, the provisions of this Act relating to boroughs shall be construed as if the local board were therein mentioned instead of the council.

Effect of schedules.

89. The schedules to this Act shall, with the notes thereto, be of the same force as if they were enacted in this Act, and the Acts mentioned in the fourth schedule to this Act may be cited in the manner in that schedule mentioned.

Returns by school board.

90. Every school board exercising powers under this Act shall make such report and returns and give such information to the Education Department as the department may from time to time require.

(II.) Parliamentary Grant.

Parliamentary grant to public school only.

91. After the thirty-first day of March one thousand eight hundred and seventy-one no parliamentary grant out of moneys administered by the Education Department shall be made to any elementary school which is not a public elementary school within the meaning of this Act.

No parliamentary grant out of such moneys shall be made in aid of building, enlarging, improving, or fitting up any elementary school, except in pursuance of a memorial duly signed, and containing the information required by the Education Department for enabling them to decide on the application, and sent to the Education Department on or before the thirty-first day of December one thousand eight hundred and seventy.

Conditions of annual parliamentary grant.

92. The conditions required to be fulfilled by an elementary school in order to obtain an annual parliamentary grant shall be those contained in the minutes of the Education Department in force for the time being, and shall amongst other matters provide that after the thirty-first day of March one thousand eight hundred and seventy-one,—

(1.) Such grant shall not be made in respect of any instruction in religious subjects:

(2.) Such grant shall not for any year exceed the income of the school for that year which was derived from voluntary contributions, or from school fees, or from any sources other than the parliamentary grant;

but such conditions shall not require that the school shall be in connexion with a religious denomination, or that religious instruction shall be given in the school, and shall not give any preference or advantage to any school on the ground that it is or is not provided

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by a school board: Provided that where the school board satisfy the Education Department that in any year ending the twenty-ninth of September the sum required for the purpose of the annual expenses of the school board of any school district, and actually paid to the treasurer of such board by the rating authority, amounted to a sum which would have been raised by a rate of threepence in the pound on the rateable value of such district, and any such rate would have produced less than twenty pounds, or less than seven shillings and sixpence per child of the number of children in average attendance at the public elementary schools provided by such school board, such school board shall be entitled, in addition to the annual parliamentary grant in aid of the public elementary schools provided by them, to such further sum out of moneys provided by Parliament as, when added to the sum actually so paid by the rating authority, would, as the case may be, make up the sum of twenty pounds, or the sum of seven shillings and sixpence for each such child, but no attendance shall be reckoned for the purpose of calculating such average attendance unless it is an attendance as defined in the said minutes.

Refusal of grant to unnecessary schools.

93. If the managers of any school which is situate in the district of a school board acting under this Act, and is not previously in receipt of an annual parliamentary grant, whether such managers are a school board or not, apply to the Education Department for a parliamentary grant, the Education Department may, if they think that such school is unnecessary, refuse such application.

The Education Department shall cause to be laid before both Houses of Parliament in every year a special report stating the cases in which they have refused a grant under this section during the preceding year, and their reasons for each such refusal.

Power of schools to take parliamentary grants.

94. The managers of every elementary school shall have power to fulfil the conditions required in pursuance of this Act to be fulfilled in order to obtain a parliamentary grant, notwithstanding any provision contained in any instrument regulating the trusts or management of their school, and to apply such grant accordingly.

Report.

Annual report of Education Department.

95. The Education Department shall in every year cause to be laid before both Houses of Parliament a report of their proceedings under this Act during the preceding year.

FIRST SCHEDULE.

School District.	School Board.	Local Rate.	Rating Authority.
The metropolis -	The school board appointed under this Act.	In the City of London the consolidated rate.	The Commissioners of Sewers.
		In the parishes mentioned in Schedule A. and the districts mentioned in Schedule B. to the Metropolis Management Act, 1855, the general rate, and fund raised by the general rate.	In the parishes the vestry, and in the district the District Board.
		In places mentioned in Schedule C. to the said Act, the rate levied for the purposes of the Metropolitan Poor Act, 1867, and any Act amending the same.	The masters of the bench, treasurer, governors, or other persons who have the chief control or authority in such place.
Boroughs, except Oxford.	The school board appointed under this Act.	The borough fund or borough rate.	The council.
District of the local board of Oxford.	The school board appointed under this Act.	Rate leviable by the local board.	The local board.
Parishes not included in any of the above-mentioned districts.	The school board appointed under this Act.	The poor rate -	The overseers.

SECOND SCHEDULE.

First Part.

Rules respecting Election of Members of a School Board.

Election by a Council.

1. The first election of a school board by a council shall be held at such time and in such manner, and in accordance with such regulations as the Education Department may from time to time by order prescribe, and the Education Department may by order appoint or direct the appointment of any officers requisite for the purpose of such election, and do all other necessary things preliminary or incidental to such election: Provided, that any poll shall be taken by ballot.

2. The expenses of the election and taking the poll in any district other than the metropolis shall be paid by the school board out of the school fund.

3. An order made by the Education Department under the power contained in this part of this schedule shall, as regards any election held before the first day of September one thousand eight hundred and seventy-one, be deemed to be within the powers of this schedule, and to have been duly made and have effect as if it were enacted in this schedule, but shall not be of any force as regards any election after the said date unless it has been confirmed by Parliament.

4. Any such order so far as relates to the metropolis shall supersede any provisions contained in the Acts relating to the election of common councilmen and in the Metropolis Management Act, 1855, and the Acts amending the same.

General.

5. If from any cause no members are elected at the time at which they ought to be elected in accordance with this Act, then—

(*a.*) In the case of the first election the Education Department may appoint another day for the election, or may proceed as in the case of a school board in default:

(*b.*) In the case of a triennial election the retiring members, or so many as are willing to serve, shall be deemed to be re-elected, or, if all the retiring members refuse to serve, the Education Department may appoint another day for the election, or may proceed as in the case of a school board in default.

6. If an insufficient number of members are elected, or if, in the case of no members being elected, some of the retiring members are and some are not willing to serve, the school board, so far as it is constituted, shall elect a person to fill each vacancy.

7. No election under this Act shall be questioned on the ground of the title of the returning officer, or any person presiding at the poll, or any officer connected with the election.

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8. Notice of the election of a person to be a member of the school board shall be sent to that person by the returning officer: in the case of the first election such notice shall be accompanied by a summons to attend the first meeting of the school board at the prescribed time.

9. The day for the triennial retirement of members shall be the prescribed day.

10. The first members shall retire from office on the day for retirement which comes next after the expiration of three years from the day fixed for the first election.

11. Members chosen to fill the offices of retiring members shall come into office on the day for retirement, and shall hold office for three years only.

12. Any person who ceases to be a member of the school board shall, unless disqualified as herein-after mentioned, be re-eligible.

13. A member of the school board may resign on giving to the board one month's previous notice in writing of his intention so to do.

14. If a member of the school board absents himself during six successive months from all meetings of the board, except from temporary illness or other cause to be approved by the board, or is punished with imprisonment for any crime, or is adjudged bankrupt, or enters into a composition or arrangement with his creditors, such person shall cease to be a member of the school board, and his office shall thereupon be vacant.

15. If any casual vacancy in office occurs by death, resignation, disqualification, or otherwise, an election shall be held in manner directed by an order made under the power contained in this part of this schedule.

16. If by any means the number of members of a school board is reduced to less than the number required for a quorum, the Education Department may proceed as if such board were a board in default, or may direct an election to be held to fill up the vacancies, in manner directed by an order made under the power contained in this part of this schedule.

17. The member chosen to fill up a casual vacancy shall retain his office so long only as the vacating member would have retained the same if no vacancy had occurred.

18. If the number of the board is reduced in pursuance of the provisions of this Act, the chairman of the board shall at some meeting, as soon as may be after such reduction, determine by ballot on the members who shall retire, so as to reduce the number of the board to the number to which it is so reduced.

19. In the application of these rules to the borough of Oxford, may or shall be deemed to mean the chairman of the local board.

20. The term "prescribed" in this schedule means prescribed by some minute of the Education Department.

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Second Part.

Rules respecting Resolutions for Application for School Board.

1. The meeting of a council for the purpose of passing such a resolution shall be summoned in the manner in which a meeting of the council is ordinarily summoned and the resolution shall be passed by a majority of the members present and voting on the question.

2. The resolution shall be passed in like manner as near as may be as that in which a member of the school board is elected, with such necessary modifications as may be contained in any order made under the powers of the first part of this schedule, and such powers shall extend to the passing of the resolution in like manner as if it were an election, but the expenses incurred with reference to such a resolution shall be paid by the overseers out of the poor rate.

3. If a resolution is rejected, the resolution shall not be again proposed until the lapse of twelve months from the date of such rejection.

Third Part.

Rules for Election of School Board in Metropolis.

1. If any person be returned for more than one division he shall, at or before the first meeting of the school board after such election, signify in writing to the board his decision as to the division which he may desire to represent on such return, and if he fails so to do the school board shall decide the division which he shall represent; and upon any such decision the office of member for the other division shall be deemed vacant. Such vacancy shall be filled up by an election to be held in manner directed by an order made under the power contained in the first part of this schedule.

2. The provisions in the first part of this schedule with respect to the proceedings in the case of no members being elected for a school district shall not only apply to the whole of the metropolis, but shall apply to the case of no members being elected for any particular division with this qualification that the Education Department shall not proceed as in the case of a school board in default but may direct that persons may be elected by the school board to be members for such division.

3. In the places named in Schedule (C.) to "The Metropolis Management Act, 1855," the expenses of the election shall be paid out of the local rate and such rate, or any increase of the rate, may be levied for the purpose.

4. The day for the retirement of members from office shall be the first day of December.

5. Any casual election shall be held on the day fixed by the school board and shall be an election for the division a member for which has created the vacancy.

6. If any vacany is filled up by the school board the election shall be by the whole school board.

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THIRD SCHEDULE.

Proceedings of School Board.

1. The board shall meet for the despatch of business, and shall from time to time make such regulations with respect to the summoning, notice, place, management, and adjournment of such meetings, and generally with respect to the transaction and management of business, including the quorum at meetings of the board, as they think fit, subject to the following conditions:—

(*a.*) The first meeting shall be held on the third Thursday after the election of the board, and if not held on that day shall be held on some day to be fixed by the Education Department:

(*b.*) Not less than one ordinary meeting shall be held in each month; one meeting shall be held as soon as possible after every triennial election of members:

(*c.*) An extraordinary meeting may be held at any time on the written requisition of three members of the board addressed to the clerk of the board:

(*d.*) The quorum to be fixed by the board shall consist of not less than three members, and in the case of the metropolis not less than nine members:

(*e.*) Every question shall be decided by a majority of votes of the members present and voting on that question:

(*f.*) The names of the members present, as well as of those voting upon each question, shall be recorded:

(*g.*) No business involving the appointment or dismissal of a teacher, any new expense, or any payment (except the ordinary periodical payments), or any business which under this Act requires the consent of the Education Department, shall be transacted unless notice in writing of such business has been sent to every member of the board seven days at least before the meeting.

2. Save as provided by this Act in the case of the metropolis, the board shall at their first meeting, and afterwards from time to time at their first meeting after each triennial election, appoint some person to be chairman, and one other person to be vice-chairman, for the three years for which the board hold office.

3. If any casual vacancy occurs in the office of chairman or vice-chairman the board shall, as soon as they conveniently can after the occurrence of such vacancy, choose one of their members to fill such vacancy, and every such chairman or vice-chairman so elected as last aforesaid shall continue in office so long only as the person in whose place he may be so elected would have been entitled to continue if such vacancy had not happened.

4. If at any meeting the chairman is not present at the time appointed for holding the same, the vice-chairman shall be the chairman of the meeting, and if neither the chairman nor vice-chairman shall be present, then the members present shall choose some one of their number to be chairman of such meeting.

5. In case of an equality of votes at any meeting, the chairman for the time being of such meeting shall have a second or casting vote.

6. All orders of the board for payment of money, and all precepts issued by the board, shall be deemed to be duly executed if signed by two or more members of the board authorized to sign them by a resolution of the board, and countersigned by the clerk; but in any legal proceeding it shall be presumed, until the contrary is proved, that the members signing any such order or precept were authorized to sign them.

7. The appointment of any officer of the board may be made by a minute of the board, signed by the chairman of the board, and countersigned by the clerk (if any) of the board, and any appointment so made shall be as valid as if it were made under the seal of the board.

8. Precepts of the board may be in the form given at the end of this schedule.

Proceedings of Managers appointed by a School Board.

The managers may elect a chairman of their meetings. If no such chairman is elected, or if the chairman elected is not present at the time appointed for holding the same, the members present shall choose one of their number to be chairman of such meeting. The managers may meet and adjourn as they think proper. The quorum of the managers shall consist of such number of members as may be prescribed by the School Board that appointed them, or if no number be prescribed, of three members. Every question at a meeting shall be determined by a majority of votes of the members present and voting on that question, and in case of an equal division of votes the chairman shall have a second or casting vote.

The proceedings of the managers shall not be invalidated by any vacancy or vacancies in their number.

Form of Precept.

School district of to wit.

To the council [*or* overseers, *&c.*] of the borough [*or* parish] of . These are to require you, the council [*or* overseers] of the borough [*or* parish] of , from and out of the moneys in the hands of your treasurer [*or* your hands], to pay on or before the day of into the hands of *A.B.*, treasurer of the school board of the said district, the sum of , being the amount required for the expenses of the said school board up to the of 18 ; and if there are no moneys in the hands of your treasurer [*or* your hands] to raise the same by means of a rate.

(Signed) *C.D.*, *E.F.*, } Members of the school board of the district of .
G.H., clerk of the said school board.

A.D. 1870.

FOURTH SCHEDULE.

School Sites Acts.

The following Acts may be cited together as the "School Sites Acts, 1841 to 1851."

Year and Chapter of Act.	Title of Act.	Short Title by which Acts may be cited.
4 & 5 Vict. c. 38. -	An Act to afford further facilities for the conveyance and endowment of sites for schools.	The School Sites Act, 1841.
7 & 8 Vict. c. 37. -	An Act to secure the terms on which grants are made by Her Majesty out of the Parliamentary grant for the education of the poor; and to explain the Act of the fifth year of Her present Majesty, for the conveyance of sites for schools.	The School Sites Act, 1844.
12 & 13 Vict. c. 49. -	An Act to extend and explain the provisions of the Acts for the granting of sites for schools.	The School Sites Act, 1849.
14 & 15 Vict. c. 24.	An Act to amend the Acts for the granting of sites for schools.	The School Sites Act, 1851.

FIFTH SCHEDULE.

Divisions of Metropolis.

Name of Division.	Name of Division.
Marylebone.	Westminster.
Finsbury.	Southwark.
Lambeth.	City.
Tower Hamlets.	Chelsea.
Hackney.	Greenwich.

Elementary Education.

A

BILL

[AS AMENDED IN COMMITTEE AND ON RE-COMMITMENT]

To provide for public Elementary Education in England and Wales.

(*Prepared and brought in by Mr. William Edward Forster and Mr. Secretary Bruce.*)

Ordered, by The House of Commons, *to be Printed,* 14 *July* 1870.

[Bill 218.]

Under 6 *oz.*

LORDS AMENDMENTS

TO

THE ELEMENTARY EDUCATION BILL.

Note.—*The page and line refer to the Bill* (235.) *as first printed by the Lords.*

Page 1.

Line 19, after ("which") insert ("for the time being")

Page 3.

Line 10, leave out ("No child shall") and insert ("It shall "not"), and after ("of") insert ("any child")

Line 11, leave out the first ("to") and insert ("that he shall"), and leave out the second ("to")

Line 13, after the first ("or") insert ("that he shall attend")

Line 14, leave out ("or to") and insert ("from which obser- "vance or instruction he may be withdrawn by his parent, "or that he shall if withdrawn by his parent")

Line 15, leave out ("or occasion") and insert ("exclusively")

Page 4.

Line 35. } Leave out ("within such time not exceeding six
Line 36. } "months, as may be limited by such notice")

Line 37, leave out ("the time") and insert ("a time not "exceeding six months to be")

Page 5.

Line 31, after ("previously") insert ("or by the Council")

Page 6.

Line 40, after ("may") insert ("from time to time for a "renewable period not exceeding six months")

REFORM CLUB PALL MALL

Page 8.

Line 4, after ("weeks") insert ("in the months of October and "November or either of them")

Page 10.

Line 9, after ("Act") insert Clause (A.)

CLAUSE A. Purchase of land by managers of public elementary school.

For the purpose of the purchase by the managers of any public elementary school of a school house for such school, or a site for the same, "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same, (except so much as relates to the purchase of land otherwise than by agreement,) shall be incorporated with this Act; and in construing those Acts for the purposes of this section the special Act shall be construed to mean this Act, and the promoters of the undertaking shall be construed to mean such managers, and land shall be construed to include any right over land.

The conveyance of any land so purchased may be in the form prescribed by the School Sites Acts, or any of them, with this modification, that the conveyance shall express that the land shall be held upon trust for the purposes of a public elementary school within the meaning of this Act, or some one of such purposes which may be specified, and for no other purpose whatever.

Land may be acquired under the Acts incorporated with this section, or under the School Sites Acts, or any of them, or partly under one and partly under another Act.

Any persons desirous of establishing a public elementary school shall be deemed to be managers for the purpose of this section if they obtain the approval of the Education Department to the establishment of such school.

Line 14, at end of Clause 21 add ("with this modification, that "the Education Department shall for the purposes of this "section be deemed to be substituted in those Acts for the "Charity Commissioners")

Line 32, after ("of") insert ("not less than two thirds of")

Line 34, after ("purpose") insert ("and vote on the ques- "tion")

Line 40, after ("majority") insert ("in value not being less "than two thirds in number")

Line 42, after ("purpose") insert ("and vote on the ques- "tion")

Page 11.

Line 12, after ("transfer") insert

("The Education Department shall consider and have due regard "to any objections and representations respecting the proposed "transfer which may be made by any person who has contributed "to the establishment of such school")

Line 19, after ("trustee") insert ("for them or")

Line 21, after ("restrictions") insert ("and either at a nominal "rent or otherwise")

Line 43, after ("shall") insert ("to such extent and during "such times as the school board have under such arrange- "ment any control over the school")

Line 44, after ("board") insert Clause (B.)

CLAUSE B. Re-transfer of school by school board to managers.

Where any school or any interest therein has been transferred by the managers thereof to the school board of any school district in pursuance of this Act, the school board of such district may, by a resolution passed as herein-after mentioned, and with the consent of the Education Department, re-transfer such school or such interest therein to a body of managers qualified to hold the same under the trusts of the school as they existed before such transfer to the school board, and upon such re-transfer may convey all the interest in the school house and in any endowment belonging to the school vested in the school board.

A resolution for the purpose of this section may be passed by a majority of not less than two thirds of those members of the school board who are present at a meeting duly convened for the purpose, and vote on the question.

The Education Department shall not give their consent to any such re-transfer unless they are satisfied that any money expended upon such school out of a loan raised by the school board of such district has been or will on the completion of the re-transfer be repaid to the school board.

Every school so re-transferred shall cease to be a school provided by a school board, and shall be held upon the same trusts on which it was held before it was transferred to the school board.

Page 12.

Leave out clause 23.

Line 10, after ("fit") insert ("from time to time for a renew- "able period not exceeding six months")

Leave out clause 25.

Page 13.

Line 5, leave out from ("ratepayers") to ("At") in line 8.
Line 11, at the end of clause 28, add ("The school board in the "metropolis shall be elected in manner herein-after provided "by this Act")
Line 25, leave out ("he or they") and insert ("they or he")

Page 19.

Line 10, after ("after") insert ("such")

Page 23.

Line 41, after ("fund") insert ("and any other fund")

Page 24.

Line 16, leave out ("one month") and insert ("fourteen "days")
Line 25, leave out ("such of the auditors") and insert ("the "auditor of such"), and leave out the second ("district") and insert ("districts")

Page 25.

Line 8, after the first ("the") insert ("school")
Line 21, leave out ("and")
Line 22, after ("documents") insert ("and a declaration "respecting vouchers and documents")
Line 23, after ("audit") insert ("and any person who refuses "or neglects to comply with any such requisition, or wilfully "makes or signs a false declaration so required, shall be "liable to the same penalties as in the case of such last-"mentioned audit")
Line 32, after ("respecting") insert ("the form of keeping the "accounts and"), and after ("audit") add ("thereof")

Page 26.

Line 1, leave out ("auditors have") and insert ("auditor "has"), and leave out ("they") and insert ("he")
Line 7, after ("signed") insert ("by the auditor")

Page 27.

Line 3, after ("room") insert ("but the members appointed "by the Education Department shall not be disqualified from "being so elected")

Page 28.

Line 13, after ("seventy-one") insert ("or in the case of the "metropolis before the expiration of four months from the "date of the election of the chairman of the school board")

Page 29.

Line 23, leave out ("and") and insert ("or")

Line 24, leave out the second ("and") and insert ("or")

Line 36, leave out ("take and receive") and insert ("hear, "receive, and examine")

Page 30.

Line 11, leave out ("published and")

Line 41, leave out ("or occasion") and insert ("exclusively")

Page 31.

Line 9, after ("made") insert—

("Provided that any byelaw under this section requiring a child "between ten and thirteen years of age to attend school shall pro- "vide for the total or partial exemption of such child from the "obligation to attend school if one of Her Majesty's inspectors "certifies that such child has reached a standard of education "specified in such byelaw")

Line 18, leave out from ("prescribe") to ("Any") in line 23 and insert—

("The school board, not less than one month before submitting "any byelaw under this section for the approval of the Education "Department, shall deposit a printed copy of the proposed byelaws "at their office for inspection by any ratepayer, and supply a printed "copy thereof gratis to any ratepayer, and shall publish a notice of "such deposit.

"The Education Department before approving of any byelaws "shall be satisfied that such deposit has been made and notice "published, and shall cause such inquiry to be made in the school "district as they think requisite")

Line 33, leave out ("approved by the Education Department") and insert ("sanctioned by Her Majesty in Council")

Page 32.

Line 11, after ("purposes") insert Clause (C.)

CLAUSE C. Inspection of voluntary schools by inspector not one of Her

Where the managers of any public elementary school not provided by a school board desire to have their school inspected or the scholars therein examined, as well in respect of religious as of

Majesty's inspectors.

other subjects, by an inspector other than one of Her Majesty's inspectors, such managers may fix a day or days not exceeding two in any one year for such inspection or examination.

The managers shall, not less than fourteen days before any day so fixed, cause public notice of the day to be given in the school, and notice in writing of such day to be conspicuously affixed in the school.

On any such day any religious observance may be practised, and any instruction in religious subjects given at any time during the meeting of the school, but any scholar who has been withdrawn by his parent from any religious observance or instruction in religious subjects shall not attend the school on any such day.

Line 35, at end of clause 77. add (" and the overseers and " other persons having the custody of such valuation lists " and rate book shall, when required by the school board, " produce such lists and rate book to the school board, and " allow the school board and any person appointed by them " to inspect the same, and take copies of or extracts " therefrom ")

Page 33.

Line 31, at end of clause 81. add (" The Documentary Evidence " Act, 1868, shall apply to the Education Department in " like manner as if the Education Department were men- " tioned in the first column of the schedule to that Act, and " any member of the Education Department, or any " secretary or assistant secretary of the Education Depart- " ment, were mentioned in the second column of that " schedule ")

Line 34, after (" made ") insert (" and to be within the powers " of this Act ")

Page 34.

Line 17, leave out (" assessor ")

Line 24, after (" of ") insert (" an order made under ")

Page 35.

Line 2, leave out (" assessor ") and insert (" officer ")

Line 10, after (" void ") insert clause (D.)

Clause D. Recovery of penalties.

Any penalty and any money which under this Act is recoverable summarily, and all proceedings under this Act which may be taken in a summary manner, may be recovered and taken before two justices in manner directed by an Act of the session of the

eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to facilitate the performance "of the duties of justices of the peace out of sessions within "England and Wales with respect to summary convictions and "orders," and the Acts amending the same. 11 & 12 Vict. c. 43.

Page 36.

Line 33, at end of clause 94. add ("provided that no such "minute of the Education Department not in force at the "time of the passing of this Act shall be deemed to be in "force, unless it shall have been laid for six weeks on the "Table of both Houses of Parliament, and shall not have "been objected to in an Address to Her Majesty from either "House")

Page 39.

Lines 10 and 11, leave out ("by ballot, in accordance with the "principles upon which") and insert ("in the metropolis in "like manner as")

Line 12, after ("1855") insert ("and shall be taken in any "other district in like manner as a poll of burgesses or "ratepayers (as the case may be) is usually taken in such "district")

Page 41.

Line 7, after ("resolution") insert ("passed by the persons "who would elect the school board")

Page 42.

Line 31, leave out ("Save as provided by this Act in the case "of the metropolis")

LORDS AMENDMENTS

TO

THE ELEMENTARY EDUCATION BILL.

Ordered, by The House of Commons, *to be Printed,*
2 *August* 1870.

[Bill 255.]

Under 1 *oz.*

A

B I L L

TO

Amend the Law of Entail in Scotland.

A.D. 1870.

WHEREAS it is expedient to alter and amend the existing law of Scotland with respect to entails, and to make provision against the settlement of estates in perpetuity:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Existing entails to cease on the death of the heirs in possession.

1. The prohibitions, conditions, restrictions, limitations, and clauses irritant, and resolutive of every deed of entail of any estate in Scotland shall, from and after the death of the heir of entail in possession of the estate at the passing of this Act, cease to be operative or valid to any effect; and every such deed of entail shall thereafter, by virtue of this Act, be valid as a fee simple title to the estate to which it refers, free from the prohibitions, conditions, restrictions, limitations, and clauses irritant, and resolutive thereof, and the tailzied destination shall terminate in the person of the heir thereby entitled to succeed on the death of the heir in possession at the passing of this Act, and the heir so entitled to succeed shall take the estate in fee simple, subject to the debts and deeds of the preceding heir, to the extent herein-after provided.

Heir in possession, who is the only heir of entail in existence, shall hold in fee simple.

2. Where the heir of entail in possession at the passing of this Act of any entailed estate in Scotland is then, or shall thereafter come to be, the only heir of entail in existence for the time, the tailzied destination shall thereupon terminate, and such heir in possession shall hold and possess the estate in fee simple, free from all the prohibitions, conditions, restrictions, limitations, and clauses irritant and resolutive of the deed of entail under which such estate is held; and such deed of entail shall thereafter by

A.D. 1870.

virtue of this Act, be valid as a fee simple title to such heir in possession and his heirs at law.

Heir in possession may disentail, with consent of next heir.

3. It shall be lawful for the heir of entail in possession of any entailed estate in Scotland, being of full age, to disentail the estate in whole or in part with the consent of the heir next in succession under the entail to the heir in possession, whether he be heir apparent or not, provided he be not less than twenty-one years of age; and such disentail in whole or in part may be effected by any deed of conveyance or security; and such consent may be given by the subscription of such deed by the consenting heir as a party consenting thereto, or by any other deed or writing in which such consent is expressed; and such disentail shall have the same operation and effect as an instrument of disentail duly and validly executed and recorded according to the provisions and requirements of the Act 11 & 12 Vict. c. 36.

Concurrence of creditor necessary to consent of heir apparent who has borrowed money on right of succession.

4. An heir apparent of an entailed estate who prior to the passing of this Act, and when heir apparent, has borrowed money on the credit of his right of succession to or interest in such estate, and granted a security therefor over such estate which is duly recorded, shall not be entitled to consent to a disentail thereof without the concurrence of the creditor in such security, unless the Court of Session shall on petition by the heir in possession, or by such heir apparent, dispense with such concurrence as being unreasonably withheld with reference to an offer of adequate security or otherwise; but any other heir of entail being next in succession to the heir in possession may consent to disentail independently of his creditors.

Heir in possession may sell or burden one third of entailed estate, under certain conditions, and without consent.

5. It shall be lawful for the heir of entail in possession at the passing of this Act of any entailed estate to sell, burden, or otherwise deal with the estate to the extent of one third of the free value thereof, as if he were proprietor in fee simple, and to that extent and effect he shall be and is hereby freed and relieved of all prohibitions, conditions, restrictions, limitations, and clauses irritant and resolutive of the deed of entail, and to the same extent the estate shall be open to the diligence of the creditors of such heir in possession, in his lifetime or after his death, and preferably to the creditors of the succeeding heir; provided always, that the succession under the entail of such heir in possession shall not in consequence of this provision, or of anything done in pursuance thereof, be diminished to a greater extent than one third of the free value of the estate, to be estimated at thirty years purchase of the annual value thereof, according to the valuation roll for the year

immediately preceding the death of such heir in possession; and deeds made in pursuance of this provision shall have priority according to the dates of which they are recorded, and anything done in excess of the power hereby conferred shall, to the extent of such excess, be void.

On death of heir in possession succeeding heir shall take subject to debts. Improvement debts and provisions to be computed.

6. On the death of the heir in possession, the heir then succeeding to the entailed estate shall take the same, subject to all debts and deeds lawfully contracted and made according to the provisions of the foregoing clause; and all improvement debts and provisions to wives and children contracted and made by the heir to whom he so succeeds shall, in so far as chargeable against him or the estate under the deed of entail or any Act of Parliament, be computed with reference to the value of the estate as he succeeds to it, diminished by the said debts and debts under the foregoing clause.

Feu duties and casualties may be sold.

7. Any heir of entail shall be entitled, on such terms as he pleases, to sell feu duties and casualties to the vassals or other proprietors liable in the same, and to discharge such vassals or proprietors thereof, notwithstanding of any prohibitions, conditions, or fetters in the entail.

Irritancy, or forfeiture of right, shall not be incurred by contravention of prohibitions or conditions of entail.

8. No heir of entail shall hereafter incur any irritancy, or forfeiture of his right or title under the entail, in consequence of any contravention of the prohibitions or conditions of such entail, but without prejudice to the right of the heir next in succession for the time under the entail to challenge any act or deed of contravention, and to have it reduced or set aside.

Existing marriage contracts shall not be prejudiced.

9. Nothing herein contained shall prejudice or affect or authorize any deed or proceeding which may prejudice or affect any onerous obligations with respect to the settlement or destination of any estate in Scotland, lawfully imposed or undertaken in any marriage contract made before the passing of this Act, in so far as regards the rights thereby secured to the spouses and the children of the marriage.

All Acts enabling proprietors to entail repealed with respect to future entails.

10. It shall not hereafter be lawful to entail any estate in Scotland, and the Act 1685, chapter twenty-two, intituled "Act concerning Tailzies," and the clauses and provisions of all other Acts of Parliament which enable proprietors in Scotland to entail their estates, are hereby with respect to future entails repealed.

All deeds of entails made by existing proprietors

11. Every deed of entail made by a proprietor in existence at the passing of this Act, and then in possession of the estate thereby entailed, shall, although dated prior to the passing of this Act, be

A.D. 1870.

to be deemed future entails.

esteemed to be a future entail, and shall be invalid as an entail, and good only as a fee simple title, with a destination to the heirs-at-law of the person thereby entitled to take on the death of the maker, and shall be free from the prohibitions and fetters thereof.

Settlements of reasonable endurance may be made.

12. Nothing herein contained shall prevent any proprietor of an estate in Scotland from making a settlement thereof for any life or lives in existence at the date of such settlement, and during the minority of the person to whom the fee is destined immediately on the termination of such life or lives; and when the fee of any estate shall come to any person, he shall, when of lawful age, be entitled to hold and possess the estate in fee simple, and absolutely to dispose thereof, and failing disposition thereof by him the same shall descend to his heir-at-law, subject to his debts and deeds, notwithstanding of any destination or clause of devolution or return in the settlement, conveyance, or other title whereby he acquired right to such fee.

Short title.

13. This Act may be cited for all purposes as the Entail Act (Scotland), 1870.

Entails (Scotland).

A

B I L L

To amend the Law of Entail in Scotland.

(Prepared and brought in by The Lord Advocate, Mr. Secretary Bruce, and Mr. Adam.)

Ordered, by The House of Commons, *to be Printed,* 25 *April* 1870.

[Bill 108.]

Under 1 *oz.*

Epping Forest Bill.

ARRANGEMENT OF CLAUSES.

Clause.
1. Short title.
2. Definitions.

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3. Appointment of Commissioners.
4. Appointment of officers.
5. Quorum of Commissioners.
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7. Powers of Commissioners.
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9. Power to summon and examine witnesses and inspect documents.
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11. Commissioners to ascertain rights.
12. Dealings of Commissioners with lands.
13. Dealings of Commissioners with commoners.
14. Title of land taken by the Commissioners.
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19. Power for Metropolitan Board of Works to purchase waste lands for the benefit of the public.
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22. Report of Commissioners, and subsequent disposal of public lands.

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26. Incorporation of provisions of 17 & 18 Vict. c. 125.
27. Proceedings on appeal.

As to certain Moneys paid into Court.

28. Provision as to moneys paid into court in respect of compensation for commoners rights.

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29. Provision as to legal proceedings.
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36. Commissioners to render accounts.
37. Expenses of Act.

A

B I L L

FOR

Disafforesting that part of Waltham called the Forest of Epping, settling the Rights of the Lords of the Manors and the Commoners of such Forest, and appropriating certain portions thereof to the use of the Public. A.D. 1870.

WHEREAS within that part of the forest of Waltham known as the forest of Epping there are situate the manors of Theydon Garnon, Theydon Bois, Epping, Copthall, Waltham Holy Cross, Sewardstone, Chingford St. Paul or St. Peter, Chingford Earls, Wanstead with Stone Hall, Woodford, Ruckholts, Aldersbrook, Walthamstow, Leyton Grange, and Cann Hall: And whereas Her Majesty claims in right of Her Crown to be entitled to certain forestal rights in and over all parts of the said forest, except in cases where such rights have been released by Her Majesty or Her Royal predecessors, and there are attached to the said forest a warden and divers other officers thereof: And whereas the lords of the said manors claim to be entitled to the soil of and to the timber and other trees growing on the waste lands in such manors, and divers other persons claim to be entitled to common of pasturage and other commonable rights on such lands, including in certain cases a right to cut fuel on portions of such lands, to be assigned for that purpose by the lord or his agent (which right in relation to the aforesaid manors is in this Act referred to as "a right to fuel assignments"): And whereas the manor of Loughton and the manor of Chigwell and West Hatch (herein-after referred to as the manor of Chigwell), or parts of them, are also situate within the said forest of Epping: And whereas in and since the year one thousand eight hundred and fifty-nine, certain portions of the waste lands of the said manors of Loughton and Chigwell, situate within the said forest of Epping have been inclosed by the respective lords thereof for their own use, and now remain in their own possession, and the lords of the said manors of Loughton and Chigwell have proposed that, with a view to setting all claims at rest, the said lands so inclosed and so remaining in the

A.D. 1870.

possession of such lords respectively as aforesaid should be subject to this Act and be dealt with as if they were waste lands within the meaning of this Act: And whereas extensive inclosures are being and have for many years past been made in Epping Forest, and it would greatly conduce to the health and enjoyment of the inhabitants of the metropolis and its neighbourhood, who have been accustomed to resort for the purposes of recreation to Epping Forest, if open places could be reserved and appropriated for their use: And whereas it is proposed on the part of the lords of all the aforesaid manors that considerable portions of the said waste lands, amounting in the whole to about one thousand acres, should be relinquished for the purposes herein-after mentioned, on condition that such of the said forestal rights of Her Majesty as are still subsisting within the waste lands of the said manors should be extinguished, that the said rights to fuel assignments should be commuted, and that the residues of the said waste lands should be discharged from all commonable rights: And whereas it is expedient that provision should be made for carrying the said proposal into effect:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Epping Forest Act, 1870."

Definitions.

2. In this Act the expression "Forest Manors" shall mean all the manors herein-before named.

The expression "Waste Lands" or "Waste Lands of the Forest Manors," or other words of like import, shall in this Act mean all lands situate within the boundaries of the said manors, or any of them, which were unfenced or uninclosed on the first day of June one thousand eight hundred and seventy, and shall include in the case of the manors of Loughton and Chigwell, all lands inclosed by the lords of the said manors for their own use in and since the year one thousand eight hundred and fifty-nine, and remaining in the possession of the said lords on the first day of June one thousand eight hundred and seventy.

Constitution and Powers of Commissioners.

Appointment of Commissioners.

3. The following persons, that is to say, Nathan Wetherell, of Lincoln's Inn, barrister-at-law, John Clutton, of Whitehall Place, surveyor, and Alfred Savill, of 3, St. Helen's Place, surveyor, are constituted Commissioners under this Act; they shall hold their offices during Her Majesty's pleasure, and if any vacancy occurs

in the office of any Commissioner by reason of death, resignation, incapacity, or otherwise, one of Her Majesty's Principal Secretaries of State may, by writing under his hand, appoint some other fit person to fill the vacancy. A.D. 1870.

The Commissioners appointed under this Act shall be styled "The Epping Forest Commissioners," and shall be a body corporate with a common seal, having a capacity to acquire and hold land for the purpose of this Act.

Appointment of officers.

4. The said Commissioners, herein-after referred to as "the Commissioners," may from time to time appoint a clerk and such other officers as they may deem necessary for the purposes of this Act, and employ such surveyors, valuers, and other persons as they may think fit for the purpose of enabling them to carry into effect any of the provisions of this Act, and may remove from time to time any person so appointed.

Quorum of Commissioners.

5. Any power or act by this Act vested in or authorised to be done by the Commissioners may be exercised or done by any one of them, with this qualification, that any person affected by any decision of one Commissioner may require his case to be heard by the three Commissioners.

Salaries and expenses.

6. *There shall be paid or allowed to every Commissioner appointed under this Act, and to any clerk, surveyor, valuer, or other person as aforesaid employed by the Commissioners, such remuneration as the Commissioners of Her Majesty's Treasury, in this Act referred to as the Treasury, may think expedient.*

Powers of Commissioners.

7. Subject to such appeal as in this Act mentioned, the Commissioners shall have full power to decide all questions whatsoever, whether of law or of fact, which they may think it necessary to decide for the purposes of this Act, and for that purpose to hear claimants and objectors, and to award such costs as they think fit; and they shall not be subject to be restrained in the execution of their powers under this Act by the order of any Court, nor shall any proceedings before them be removed by certiorari into any Court.

The Commissioners may review or rescind or vary any order or decision previously made by them or any of them, but, save as aforesaid and as in this Act otherwise provided, every order or decision of the Commissioners shall be final.

Access to public maps and documents.

8. Maps and documents in the custody of the Tithe Commissioners for England and Wales, and all other public maps and documents relating to the said forest of Epping and the lands to which this Act applies, shall be open to the use and inspection of the Com-

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missioners or of any person by them authorised, and they may make or cause to be made such copies thereof or extracts therefrom as they think fit.

Power to summon and examine witnesses and inspect documents.

9. The Commissioners may, by summons under the seal of the Commission, require the attendance before them, either in the metropolis or at any meeting held in or near the forest of Epping, of any person whose evidence they may deem requisite for the purposes of this Act; they may also, by like summons and for the like purposes, require the production for their inspection of any court rolls, rate books, instruments of tithe apportionment, and other public writings relating to the forest manors, and of any maps, plans, or surveys belonging to any parish in which any of such manors is situate; they may examine upon oath any person appearing before them, and administer an oath accordingly; and they shall pay or allow to any person summoned by them the reasonable charges of his attendance.

Penalty for non-attendance or refusal to answer questions.

10. If any person, after the delivery to him of such summons as aforesaid, or of a copy thereof, wilfully neglects or refuses to attend in pursuance of such summons, or to produce such books, maps, or other documents as he may be required to produce under the provisions in this Act contained, or to answer upon oath or otherwise such questions as may be put to him by the Commissioners under the powers of this Act, he shall incur a penalty not exceeding *twenty pounds* (to be recovered on summary conviction): Provided that no person shall be required to attend in obedience to any summons unless the reasonable charges of his attendance be paid or tendered to him.

Duties of Commissioners.

Commissioners to ascertain rights.

11. The Commissioners shall ascertain the forestal rights of Her Majesty over the forest manors, and the rights of the lords and commoners respectively, in, to, or over the soil, timber, underwood, pasturage, and profits of or arising out of the waste lands of the forest manors.

Dealings of Commissioners with lands.

12. Having ascertained such rights as aforesaid, the Commissioners shall prepare a scheme setting aside *one thousand* acres of the said waste lands, to be applied by them for the purposes of this Act, and appropriating by way of compensation to the lords of the said forest manors in manner herein-after mentioned the residue of the said waste lands.

The one thousand acres so set aside as aforesaid shall be of average value, having regard to the total value of the lands so set aside

compared with the total value of the whole of the said waste lands, but subject as aforesaid the Commissioners may select such thousand acres, either together or in separate parcels, in such manner as they think expedient.

The Commissioners shall hold the said one thousand acres upon trust to select such portion thereof, consisting of *six hundred* acres at the least, as they think most suitable, either together or in parcels, for the use of the public, and to be appropriated for their recreation, and shall hold the remainder of the said one thousand acres upon trust to compensate in manner herein-after mentioned all persons entitled to any commonable rights, except rights to fuel assignments, in or over any of the waste lands, and all persons entitled to any compensation in respect of any forest offices, and subject thereto upon trust to add such remainder to the lands appropriated for the recreation of the public (herein-after referred to as "the public lands") or sell the same and apply the proceeds of such sale towards clearing, fencing, or otherwise improving or augmenting the public lands.

The Commissioners shall dispose of the waste lands so appropriated to the lords of the forest manors in manner following, that is to say, where such lands are conveniently situated in relation to the other lands of any lord, by allotting to him a proper proportion of such lands; and where such lands are not so conveniently situated, or where the Commissioners, for any other cause, think it expedient so to do, it shall be lawful for the Commissioners to sell any part of such lands, and, out of the proceeds of such sale, to give to any lord, in lieu of an actual allotment of land, or of a portion of such allotment, the value in money of such allotment or portion.

The Commissioners shall, in their dealings in relation to the forest manors, have regard to any agreements or negotiations that, before the passing of this Act, may have been entered into with reference to any matters coming within the cognizance of the Commissioners by virtue of this Act, and to any purchases that have been made of the forestal rights of Her Majesty.

Dealings of Commissioners with commoners.

13. The Commissioners may sell all or any part of the remainder of the said one thousand acres, after selecting such six hundred acres as aforesaid, and they shall compensate the persons entitled to commonable rights, except the persons entitled to fuel assignments, either in money out of the proceeds of such land, or at the discretion of the Commissioners, by making to them allotments of land in severalty out of the said remainder, or giving to them rights of

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pasturage in or over the public lands in such manner as not to detract from the enjoyment of such lands by the public.

Title of land taken by the Commissioners.

14. The one thousand acres of land set aside by the Commissioners to be applied by them to the purposes of this Act, shall vest in the Commissioners, upon the trusts aforesaid, for an indefeasible estate in fee simple, free from all commonable rights, and all other rights, titles, and incumbrances whatever, including all forestal rights of Her Majesty.

All lands allotted to the lords and commoners respectively, including, in the case of commoners, rights of pasturage, shall be held by the respective allottees to and for the same estates, uses, trusts, interests, and purposes, and subject to the same conditions, charges, and incumbrances as the several manors, lands, or rights in respect whereof such allotments have been made would have stood limited to and for or been subject to if this Act had not passed; but discharged as to such lands from all commonable rights and all forestal rights of Her Majesty.

All moneys allotted to any lord or commoner instead of an allotment of land, shall be dealt with in the same manner as if they were compensation payable to such lord or commoner for land purchased of such lord or commoner in pursuance of the Lands Clauses Consolidation Act, 1845, and all the provisions of the said Act shall apply accordingly.

Dealings of Commissioners with fuel assignees.

15. The Commissioners shall ascertain, as respects such of the forest manors as are herein-before mentioned to be subject to fuel assignments, whether any persons are entitled to fuel assignments on any of the waste lands in such manors, and if they find that any person is entitled to a fuel assignment on any waste lands in any of such manors they shall ascertain the annual value of the rights of such person, and shall by order under their hands charge the lands of the lord situate in any manor the waste lands of which are so subject with an annuity equivalent to such annual value. Such annuity shall be a first charge in favour of such persons on the lands subject thereto, having priority over all existing and future estates, interests, and incumbrances.

Dealings of Commissioners with forest officers.

16. The Commissioners shall cause the deer to be removed from the forest manors, and shall ascertain the several persons (if any) entitled to forest offices, and shall compensate such officers for any pecuniary loss they may sustain by the disafforesting of the forest manors.

Dealings of Commis-

17. Subject to the restrictions herein-after mentioned the Commissioners may, in any part of the waste lands discontinue,

divert, or alter any existing road or path, set out new roads or paths, and divert or alter any ditch, watercourse, or bridge, but, except so far as is otherwise provided by or in pursuance of this Act, all waste lands of a forest manor shall remain subject to the easements subsisting thereon. A.D. 1870. Commissioners with respect to easements.

A watercourse shall not be diverted under this Act without the previous consent in writing of the person interested in the land from which the same is diverted, and of the person interested in the land into which the same is diverted, or to the prejudice of any person interested in such watercourse, except with his consent in writing.

No ditch, watercourse, or bridge shall be altered on any land without the consent in writing of the person interested in such land.

A turnpike road shall not be diverted or altered under this Act without the previous consent of the majority of the trustees of such turnpike road assembled at a public meeting called for that purpose.

Before any existing highway, whether a carriage road or foot-path, is discontinued, diverted, or altered under this Act, the Commissioners shall cause to be posted at each end of such road or path a notice to the effect that the same is intended to be discontinued, diverted, or altered, as the case may be, from and after a day to be mentioned in such notice. They shall also cause a similar notice to be given by advertisement once at least in each of four successive weeks in some newspaper circulating in the county of Essex, and to be posted during such weeks in some conspicuous place or places in the parish or each of the parishes (if more than one) in which such road or path is situate.

The Commissioners may make to any person who has incurred damage by the doing of any works in pursuance of this section such compensation as to the Commissioners seems just.

18. The Commissioners may sell all or any of the lands by this Act declared to be saleable by them, either by public auction or private contract, and subject to any stipulations that may be thought expedient, with power for the vendors to buy in or rescind any contract for sale and resell without being responsible for the loss thereof. Power of sale.

All sales of waste lands made by the Commissioners for the purposes of this Act shall vest such lands in the purchasers thereof respectively for indefeasible estates in fee simple, free from all commonable rights, and all other rights, titles, and incumbrances whatever, including all forestal rights of Her Majesty.

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Power for Metropolitan Board of Works to purchase waste lands for the benefit of the public.

19. The Metropolitan Board of Works may purchase for the benefit of the public any portion of the waste lands saleable by the Commissioners under this Act, and all expenses incurred by the Board in making such purchases shall be deemed to be expenses incurred by the Board in the execution of The Metropolis Management Act, 1855, and shall be paid by the Board out of and be charged upon the consolidated or any other rate which they are or may be authorised to levy, or any moneys which they are for the time being authorised to borrow. Any lands so purchased by the Board shall be deemed to be part of the public lands held by the Board under the provisions of this Act.

Right of pre-emption by lord of manor.

20. The Commissioners shall not sell, except to the Metropolitan Board of Works, any of the lands saleable by them until they have given notice in writing to the lord of the manor within which such lands are situate that they are willing to sell the lands to him for a price to be named by the Commissioners in such notice, and such lord has declined to accept their offer. A lord shall be deemed to have declined to accept the offer of the Commissioners if the same is not accepted in writing and the purchase money paid or secured to the Commissioners within one month after the giving of such notice as aforesaid.

For the purposes of this section, notice may be given to a lord by sending the same by post in a prepaid letter addressed to his usual or last known place of abode.

Meetings of Commissioners.

21. The Commissioners shall from time to time hold meetings for the purpose of hearing and deciding upon any claims and objections that may be made with respect to the matters authorised to be done under this Act. Any meeting held by the Commissioners may be adjourned by them.

Notice of every such meeting shall be published in such manner as the Commissioners think best fitted to secure publicity, and shall be inserted once at least in such of the newspapers circulating in the county of Essex as the Commissioners think fit.

Report of Commissioners, and subsequent disposal of public lands.

22. The Commissioners shall make a report to Her Majesty, stating the mode in which they have performed their duties under this Act, and specifying in particular the nature, extent, and situation of the public lands; and from and after the date of the presentation of such report to Her Majesty, the said public lands shall pass to and vest in the Metropolitan Board of Works for all the estate of the Commissioners therein, to be maintained by the Metropolitan Board of Works as nearly as may be in their existing state, and to be used by the public for purposes of recreation.

From and after the date of the presentation of such report no objection shall be taken in respect of any of the proceedings of the Commissioners under this Act, and all such proceedings shall be deemed to have been within the powers of this Act, and to be valid.

The Commissioners shall cause their said report to be printed, and a copy thereof purporting to be printed by the Queen's printers shall be admissible in evidence of the contents of such report. One copy of such report shall be deposited and kept at the office of the Metropolitan Board of Works, and another copy thereof shall be deposited and kept at the office of the Inclosure Commissioners for England and Wales, and it shall be the duty of the said Inclosure Commissioners to supply copies of such report at such price not exceeding *five shillings* for each copy as the said Commissioners may determine to any persons desirous of obtaining the same.

Appeals.

Appeal to quarter sessions.

23. Where any person considers himself aggrieved by a decision of the Commissioners in respect of any of the following matters; (that is to say,)

(1.) The compensation payable to a commoner for the extinguishment of commonable rights:

(2.) The compensation payable for the extinguishment of fuel assignments:

(3.) The compensation payable for the extinguishment of any forest office:

(4.) The compensation payable in respect of any easement:

(5.) The compensation payable in respect of damage incurred by the doing of any works under this Act:

(6.) The discontinuance or diversion of any public way:

he may, upon complying with the conditions in this Act mentioned, appeal to the court of general or quarter sessions having jurisdiction in the district; but no appeal shall be had except in respect of the matters herein-before mentioned. And no appeal shall be made in respect of the nature of the compensation offered as to its being land or money, but only as to its value or amount.

Conditions of appeal.

24. An appeal shall not be entertained by any court of general or quarter sessions in pursuance of this Act, unless the following conditions have been complied with:

(1.) Notice of the intention of appeal must be served by the appellant on the Commissioners within one week after the decision from which the appeal is made:

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(2.) The notice must state the decision from which the appeal is made, and the ground of the appeal:

On the receipt of the notice the Commissioners may serve a counter-notice on the appellant, requiring him to appear in person or by his agent at the next meeting of the Commissioners and support his appeal. On hearing the appellant the Commissioners may rectify the matter complained of, and if they do so to a reasonable extent and tender to the appellant a reasonable sum for the costs of his attendance, it shall not be lawful for the appellant to proceed with his appeal. In any other case the appellant may proceed with his appeal, and the reasonable costs of his attendance at any meeting of the Commissioners shall be deemed part of the costs of the appeal.

Power to refer case to arbitration.

25. If at any time after notice of appeal has been given it appears to the court of general or quarter sessions on the application of either party in the presence of or after notice has been given to the other party, that the matter in question in such appeal consists wholly or in part of matters of mere account which cannot be satisfactorily tried by the court, it shall be lawful for such court to order that such matters, either wholly or in part, be referred to the arbitration of one or more persons to be appointed by the parties, or in case of disagreement by the court, and the award made on such arbitration shall be enforceable by the same process as the order of the court of quarter sessions.

Incorporation of provisions of 17 & 18 Vict. c. 125.

26. The provisions of The Common Law Procedure Act, 1854, relating to compulsory references shall be deemed to extend to arbitrations directed by the court of quarter sessions, and the word "court" in the said Act shall be deemed to include the court of quarter sessions.

Proceedings on appeal.

27. If upon the hearing of the appeal it appears to the court that the question in dispute involves an inquiry as to any important matter of fact, the court may either themselves decide such question, or may empanel a jury of twelve disinterested men out of the persons returned to serve as jurymen at such sessions, and submit to such jury such questions in relation to the matters of fact in dispute as the court thinks fit, and the verdict of such jury after hearing the evidence adduced shall be conclusive as to the questions submitted to them, and the court shall decide the parties to be plaintiffs and defendants in such trial.

Subject as aforesaid, the court may upon the hearing of any appeal under this Act confirm, reverse, or modify any decision of the Commissioners, and may award such costs, and give such directions as to the payment and taxation thereof, as the court think fit.

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As to certain Moneys paid into Court.

Provision as to moneys paid into Court in respect of compensation for commoners rights.

28. Whereas in pursuance of the Lands Clauses Consolidation Act, 1845, and the Eastern Counties Railway (Woodford and Loughton Branch) Act, 1853, two sums of two hundred and ninety-one pounds eighteen shillings and ninepence, and five pounds five shillings respectively, have been placed to the account of the Accountant-General of the Court of Chancery, to a credit entitled ex parte the Eastern Counties Railway Company (Woodford and Loughton Branch) Act, 1853, The account of Thomas Sidney, William Delano, Ebenezer Clarke, Henry Martin Harvey, and Thomas Quested Finnis, being sums payable by way of compensation to persons entitled to commonable rights over certain lands formerly part of the waste lands to which this Act applies, but taken by the said Eastern Counties Railway Company, under the authority of their said Act: Be it enacted, that the said two sums of money together with any arrears of interest thereon may, if the Court of Chancery think it just, be paid to the Commissioners upon trust to be by them applied in compensating the persons entitled to commonable rights over the waste lands of the forest manors.

Supplemental Provisions.

Provision as to legal proceedings.

29. After the passing of this Act no suit or other legal proceeding shall be instituted for the determination of manorial or commonable rights in or in relation to the forest manors and any existing suit or other legal proceeding relating to any such rights shall be stayed, and the Commissioners are hereby empowered to determine the amount of costs, charges, and expenses to be paid in or in respect of any such suit or proceeding, and the parties to whom and the proportion in which such costs, charges, and expenses are to be paid, and such costs, charges, and expenses shall be deemed part of the compensation payable under this Act.

Compensation to persons injured by operation of Act.

30. Where the Commissioners have acquired any public lands or sold any lands in pursuance of this Act in which any third person other than Her Majesty, the lords of the forest manors, and the commoners (inclusive of the persons entitled to fuel assignments) are interested, if such third person has by reason of such acquisition or sale sustained any loss in respect of which he has received no compensation, he shall be entitled to compensation; to be paid by the Commissioners as part of the expenses incurred in carrying this Act into effect, if the claim to compensation be made before the time at which such public lands have become vested in the Metropolitan

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Board, and if made after such time, then to be paid by the Treasury out of money to be provided by Parliament.

The amount of any compensation to be paid in pursuance of this section shall in the event of disagreement be determined in manner provided by The Lands Clauses Consolidation Act, 1845, with respect to interests in land which have by mistake been omitted to be purchased.

Where any compensation has been paid to any person in pursuance of this section, if the act or default by reason of which such compensation became payable was caused by the deceit, negligence, or fraud of any person dealing with the Commissioners, such person shall be deemed to be a debtor to the Crown for the amount of compensation so paid, and of the costs, charges, and expenses incurred in respect thereof.

Power for lord to redeem annuity.

31. Where any land is charged with an annuity under this Act any person liable to pay such annuity may redeem the same by payment to the person entitled thereto of a principal sum of equivalent value, the value of money being reckoned at four pounds per centum per annum.

Arrears of annuity.

32. As between owners having a limited interest in any land charged with an annuity under this Act, it shall be the duty of the owner for the time being in possession or in receipt of the rents and profits of such land to prevent such arrears arising, and if he make default in doing so, and the owner next entitled in possession pay any arrears caused by such default, the amount so paid shall be a debt due to the owner who has paid the same from the owner by whose default it became necessary to make such payment.

Recovery of annuity.

33. Any money for the time being due in respect of an annuity created under this Act, shall be deemed to be money for the payment of which a justice or justices has or have authority by law to make an order, and may be recovered accordingly in a summary manner.

Delivery of deeds and documents.

34. All deeds, documents, and evidences of title in the custody or possession of the Commissioners, in their character of Commissioners under this Act, shall, upon the presentation of their report, be delivered over by them to the Metropolitan Board of Works.

Notices, claims, &c.

35. Notices in respect of the service of which special directions are not given by this Act may be served or sent by post, and shall be deemed to have been served and received at the time when the letter containing the same would have been delivered in the

ordinary course of the post; and in proving such service or sending it shall be sufficient to prove that the letter containing the notice, was properly addressed and put into the post office. A.D. 1870.

Where any notice is required to be given by the Commissioners it shall be sufficiently executed if signed by their clerk, and every notice purporting to be so signed shall be receivable in evidence without any further proof of execution.

The Commissioners shall circulate such information as they may think expedient respecting the times and mode of making claims and objections under this Act, and no claims or objections in respect of any compensation payable under this Act shall be entertained after a day to be by them specified for that purpose.

Commissioners to render accounts.

36. The Commissioners shall from time to time render accounts of their receipts and disbursements under this Act in such manner and with such particulars as the Treasury may direct.

Expenses of Act.

37. *All costs, charges, and expenses attending or incident to the obtaining or passing of this Act, and all costs, charges, and expenses (including the salaries of the Commissioners and of any persons employed by them) incurred in carrying this Act into execution, except such costs, charges, and expenses as are by this Act otherwise provided for, shall be paid out of moneys provided by Parliament.*

Epping Forest.

A

B I L L

For disafforesting that part of Waltham called the Forest of Epping, settling the Rights of the Lords of the Manors and the Commoners of such Forest, and appropriating certain portions thereof to the use of the Public.

(*Prepared and brought in by Mr. Gladstone, Mr. Chancellor of the Exchequer, and Mr. Ayrton.*)

Ordered, by The House of Commons, *to be Printed*, 19 *July* 1870.

[Bill 227.]

Under 2 *oz.*

A

B I L L

TO

Explain and amend "the Evidence Further Amendment Act, 1869."

A.D. 1870.

WHEREAS it was enacted by the "Evidence Further Amendment Act, 1869," section 4, as follows:

"If any person called to give evidence in any court of justice, whether in a civil or criminal proceeding, shall object to take an oath, or shall be objected to as incompetent to take an oath, such person shall, if the presiding judge is satisfied that the taking of an oath would have no binding effect on his conscience, make the following promise and declaration:

"'I solemnly promise and declare, that the evidence given by me 'to the court shall be the truth, the whole truth, and nothing but 'the truth.'

"And any person who, having made such promise and declaration, shall wilfully and corruptly give false evidence, shall be liable to be indicted, tried, and convicted for perjury as if he had taken an oath."

And whereas doubts have arisen as to the extent and meaning of the words "court of justice" and "presiding judge" in the said section:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Interpretation of "court of justice" and "presiding judge" in recited Act.

1. The words "court of justice," and the words "presiding judge," in section 4 of the said Evidence Further Amendment Act, 1869, shall be deemed to include any person or persons having by law or by consent of parties authority to hear, receive, and examine evidence.

Short title.

2. This Act may be cited for all purposes as "The Evidence Amendment Act, 1870."

Not to extend to Scotland.

3. This Act shall not extend to Scotland.

Evidence Further Amendment Act (1869) Amendment.

A

B I L L

To explain and amend "the Evidence "Further Amendment Act, 1869."

(*Prepared and brought in by Mr. Denman and Mr. Locke King.*)

Ordered, by The House of Commons, *to be Printed,* 14 *February* 1870.

[Bill 20.]

Under 1 *oz.*

A

B I L L

TO

Continue various expiring Laws. A.D. 1870.

WHEREAS the several Acts mentioned in column one of the schedule to this Act are, to the extent specified in column two of that schedule, limited to expire at the times specified in respect thereof in column four of the said schedule:

And whereas it is expedient to continue such Acts, to the extent specified in column two of the said schedule and the Acts amending the same, in so far as they are temporary in their duration, for the times mentioned respectively in column five of the said schedule:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Expiring Laws Continuance Act, 1870.

Continuance of Acts in schedule.

2. The Acts mentioned in column one of the schedule to this Act, in so far as they are temporary in their duration, shall, to the extent in column two of the said schedule mentioned, be continued until the times respectively specified in column five of the said schedule, and any enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner.

SCHEDULE.

1. Original Acts.	2. How far continued.	3. Amending Acts.	4. Time of Expiration of temporary Provisions.	5. Continued until
(1) 5 & 6 Will. 4. c. 27. Linen, Hempen, Cotton, and other Manufactures (Ireland).	The whole Act -	3 & 4 Vict. c. 91. 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.	13th August 1870 - (32 & 33 Vict. c. 85.)	13th August 1871, and end of then next session.
(2) 2 & 3 Vict. c. 74. - Societies, unlawful (Ireland).	The whole Act -	11 & 12 Vict. c. 89.	7th July 1870, and end of then next session. (32 & 33 Vict. c. 85.)	7th July 1871, and end of then next session.
(3) 3 & 4 Vict. c. 89. - Poor Rates, Stock in Trade Exemption.	The whole Act -	- - -	1st October 1870, and end of then next session. (32 & 33 Vict. c. 85.)	1st October 1871, and end of then next session.
(4) 4 & 5 Vict. c. 30. - Survey of Great Britain.	The whole Act -	33 & 34 Vict. c. 13.	31st December 1870, and end of then next session. (32 & 33 Vict. c. 85.)	31st December 1871, and end of then next session.
(5) 4 & 5 Vict. c. 59. - Application of Highway Rates to Turnpike Roads.	The whole Act -	- - -	1st October 1870, and end of then next session. (28 & 29 Vict. c. 119.)	1st October 1871, and end of then next session.
(6) 5 & 6 Vict. c. 123. Lunatic Asylums (Ireland).	The whole Act -	- - -	1st August 1870, and end of then next session. (32 & 33 Vict. c. 85.)	1st August 1871, and end of then next session.
(7) 10 & 11 Vict. c. 32. Landed Property Improvement (Ireland).	As to powers of commissioners.	13 & 14 Vict. c. 31. 29 & 30 Vict. c. 40.	1st January 1870, and end of then next session. (32 & 33 Vict. c. 85.)	1st January 1871, and end of then next session.
(8) 10 & 11 Vict. c. 90. Poor Laws (Ireland).	As to appointment of commissioners.	14 & 15 Vict. c. 68.	23d July 1870, and end of then next session. (32 & 33 Vict. c. 85.)	23d July 1871, and end of then next session.

1. Original Acts.	2. How far continued.	3. Amending Acts.	4. Time of Expiration of temporary Provisions.	5. Continued until
(9) 10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction.	As to provisions continued by 21 & 22 Vict. c. 50.	- - -	1st August 1870, and end of then next session. (32 & 33 Vict. c. 85.)	1st August 1871, and end of then next session.
(10) 11 & 12 Vict. c. 32. County Cess (Ireland).	The whole Act -	20 & 21 Vict. c. 7.	1st August 1870, and end of then next session. (32 & 33 Vict. c. 85.)	1st August 1871, and end of then next session.
(11) 11 & 12 Vict. c. 107. Sheep and Cattle Diseases.	The whole Act as to Ireland.	16 & 17 Vict. c. 62. 29 & 30 Vict. c. 4. (Ireland). 29 & 30 Vict. c. 15. 33& 34 Vict. c. .	20th August 1869, and end of then next session. (31 & 32 Vict. c. 111.)	20th August 1871, and end of then next session.
(12) 14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management.	The whole Act -	17 & 18 Vict. c. 116. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124.	1st January 1870, and end of then next session. (32 & 33 Vict. c. 85.)	1st January 1871, and end of then next session.
(13) 17 & 18 Vict. c. 102. Corrupt Practices Prevention.	The whole Act -	21 & 22 Vict. c. 87. 26 & 27 Vict. c. 29.	8th June 1870, and end of then next session. (32 & 33 Vict. c. 85.)	8th June 1871, and end of then next session.
(14) 17 & 18 Vict. c. 117. Incumbered Estates (West Indies).	As to powers of the commissioners.	21 & 22 Vict. c. 96. 25 & 26 Vict. c. 45. 27 & 28 Vict. c. 108.	2nd August 1870 - (31 & 32 Vict. c. 111.)	31st March 1872 inclusive.
(15) 19 & 20 Vict. c. 36. Preservation of the Peace (Ireland).	The whole Act -	20 & 21 Vict. c. 7. 28 & 29 Vict. c. 118.	1st July 1870, and end of then next session. (32 & 33 Vict. c. 85.)	1st July 1871, and end of then next session.
(16) 23 & 24 Vict. c. 19. Dwellings for Labouring Classes (Ireland).	The whole Act -	- - -	15th May 1870, and end of then next session. (23 & 24 Vict. c. 19.)	15th May 1871, and end of then next session.
(17) 24 & 25 Vict. c. 109. Salmon Fishery (England) Act.	As to appointment of inspectors, s. 31.	- - -	1st October 1870, and end of then next session. (32 & 33 Vict. c. 85.)	1st October 1871, and end of then next session.

1. Original Acts.	2. How far continued.	3. Amending Acts.	4. Time of Expiration of temporary Provisions.	5. Continued until
(18) 25 & 26 Vict. c. 97. Salmon Fisheries (Scotland).	As to the powers of commissioners, &c.	26 & 27 Vict. c. 50. 27 & 28 Vict. c. 118.	1st January 1870, and end of then next session. (32 & 33 Vict. c. 85.)	1st January 1871, and end of then next session.
(19) 26 & 27 Vict. c. 105. Promissory Notes.	The whole Act -	- - -	28th July 1870, and end of then next session. (32 & 33 Vict. c. 85.)	28th July 1871, and end of then next session.
(20) 27 & 28 Vict. c. 20. Promissory Notes and Bills of Exchange (Ireland).	The whole Act -	- - -	13th May 1870, and end of then next session. (32 & 33 Vict. c. 85.)	13th May 1871, and end of then next session.
(21) 27 & 28 Vict. c. 9. Malt for Animals.	The whole Act -	- - -	28th April 1870, and end of then next session. (32 & 33 Vict. c. 85.)	28th April 1871, and end of then next session.
(22) 27 & 28 Vict. c. 92. Public Schools.	The whole Act -	- - -	1st August 1870, and end of then next session. (32 & 33 Vict. c. 85.)	1st August 1871, and end of then next session.
(23) 28 & 29 Vict. c. 46. Militia Ballots Suspension.	The whole Act -	- - -	1st October 1870, and end of then next session. (32 & 33 Vict. c. 85.)	1st October 1871, and end of then next session.
(24) 28 & 29 Vict. c. 66. Charging of Malt Duty by Weight.	The whole Act -	- - -	29th June 1870, and end of then next session. (32 & 33 Vict. c. 85.)	29th June 1871, and end of then next session.
(25) 28 & 29 Vict. c. 83. Locomotives on Roads.	The whole Act -	- - -	1st September 1870, and end of then next session. (32 & 33 Vict. c. 85.)	1st September 1871, and end of then next session.
(26) 29 & 30 Vict. c. 52. Prosecution Expenses.	The whole Act -	- - -	23d July 1870, and end of then next session. (32 & 33 Vict. c. 85.)	23d July 1871, and end of then next session.
(27) 30 & 31 Vict. c. 126. Railway Companies (Scotland).	As to protection of rolling stock, s. 4.	- - -	1st September 1870 - (31 & 32 Vict. c. 79.)	1st September 1871, and end of then next session.

1. Original Acts.	2. How far continued.	3. Amending Acts.	4. Time of Expiration of temporary Provisions.	5. Continued until
(28) 30 & 31 Vict. c. 127. Railway Companies.	As to protection of rolling stock, s. 4.	- - -	1st September 1870 - (31 & 32 Vict. c. 79.)	1st September 1871, and end of then next session.
(29) 30 & 31 Vict. c. 141. Master and Servant.	The whole Act -	- - -	20th August 1870, and end of then next session. (32 & 33 Vict. c. 85.)	20th August 1871, and end of then next session.
(30) 31 & 32 Vict. c. 32. Endowed Schools.	The whole Act -	- - -	1st August 1870, and end of then next session. (32 & 33 Vict. c. 85.)	1st August 1871, and end of then next session.
(31) 31 & 32 Vict. c. 76. Militia Pay.	The whole Act -	32 & 33 Vict. c. 66.	31st July 1870 - (32 & 33 Vict. c. 66.)	31st July 1871 inclusive.
(32) 32 & 33 Vict. c. 61. Trades Unions Funds Protection.	The whole Act -	- - -	31st August 1870 -	31st August 1871, and end of then next session.

Expiring Laws.

A

BILL

To continue various expiring Laws.

(Prepared and brought in by
Mr. Stansfeld and Mr. Attorney General.)

Ordered, by The House of Commons, *to be Printed,*
29 *July* 1870.

[Bill 253.]

Under 1 *oz.*

Extradition Bill.

ARRANGEMENT OF CLAUSES.

Preliminary.

Clause.

1. Short title.
2. Where arrangement for surrender of criminals made, Order in Council to apply Act.
3. Restrictions on surrender of criminals.
4. Provisions of arrangement for surrender.
5. Publication and effect of order.
6. Liability of criminal to surrender.
7. Order of Secretary of State for issue of warrant in United Kingdom if crime is not of a political character.
8. Issue of warrant by justice, police magistrate, &c.
9. Hearing of case and evidence of political character of crime.
10. Committal or discharge of prisoner.
11. Surrender of fugitive to foreign state by warrant of Secretary of State.
12. Discharge of persons apprehended if not conveyed out of United Kingdom within two months.
13. Execution of warrant of police magistrate.
14. Depositions to be evidence.
15. Authentication of depositions and warrants.

Crimes committed at sea.

16. Jurisdiction as to crimes committed at sea.

Fugitive criminals in British possessions.

17. Proceedings as to fugitive criminals in British possessions.
18. Saving of laws of British possessions.

General Provisions.

19. Criminal surrendered by foreign state not triable for previous crime.

20. Forms in second schedule.
21. Revocation, &c. of Order in Council.
22. Application of Act in Channel Islands and Isle of Man.
23. Saving for Indian treaties.
24. Foreign state includes dependencies.
25. Definitions.

Repeal of Acts.

26. Repeal of Acts.

SCHEDULES.

A

B I L L

FOR

Amending the Law relating to the Extradition of Criminals. A.D. 1870.

WHEREAS it is expedient to amend the law relating to the surrender to foreign states of persons accused or convicted of the commission of certain crimes within the jurisdiction of such states, and to the trial of criminals surrendered by foreign states to this country:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as "The Extradition Act, 1870." Short title.

2. Where an arrangement has been made with any foreign state with respect to the surrender to such state of any fugitive criminals, Her Majesty may, by Order in Council, direct that this Act shall apply in the case of such foreign state. Where arrangement for surrender of criminals made, Order in Council to apply Act.

Her Majesty may, by the same or any subsequent order, limit the operation of the order, and restrict the same to fugitive criminals who are in or suspected of being in the part of Her Majesty's dominions specified in the order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient.

Every such order shall recite or embody the terms of the arrangement, and shall not remain in force for any longer period than the arrangement.

Every such order shall be laid before both Houses of Parliament within six weeks after it is made, or, if Parliament be not then sitting, within six weeks after the then next meeting of Parliament, and shall also be published in the London Gazette.

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Restrictions on surrender of criminals.

3. The following restrictions shall be observed with respect to the surrender of fugitive criminals:

(1.) A fugitive criminal shall not be surrendered who is accused or convicted of any offence which is one of a political character:

(2.) A fugitive criminal shall not be surrendered to a foreign state unless provision is made by the law of that state, or by arrangement, that the fugitive criminal shall not, until he has been restored or had an opportunity of returning to Her Majesty's dominions, be detained or tried in that foreign state for any offence committed prior to his surrender other than the extradition crime proved by the facts on which the surrender is grounded:

(3.) A fugitive criminal who has been accused of some offence within English jurisdiction not being the offence for which his surrender is asked, or is undergoing sentence under any conviction in the United Kingdom, shall not be surrendered until after he has been discharged, whether by acquittal or on expiration of his sentence or otherwise:

(4.) A fugitive criminal shall not be surrendered until the expiration of *fifteen days* from the date of his being committed to prison to await his surrender.

Provisions of arrangement for surrender.

4. An Order in Council for applying this Act in the case of any foreign state shall not be made unless the arrangement—

(1.) provides for the determination of it by either party to it after the expiration of a notice not exceeding *one year;* and,

(2.) is in conformity with the provisions of this Act, and in particular with the restrictions on the surrender of fugitive criminals contained in this Act.

Publication and effect of order.

5. When an order applying this Act in the case of any foreign state has been published in the London Gazette, this Act (after the date specified in the order, or if no date is specified, after the date of the publication,) shall, so long as the order remains in force, but subject to the limitations, restrictions, conditions, exceptions, and qualifications, if any, contained in the order, apply in the case of such foreign state. An Order in Council shall be conclusive evidence that the arrangement therein referred to complies with the requisitions of this Act, and that this Act applies in the case of the foreign state mentioned in the order, and the validity of such order shall not be questioned in any legal proceedings whatever.

Liability of criminal to surrender.

6. Where this Act applies in the case of any foreign state, every fugitive criminal of that state who is in or suspected of being in any part of Her Majesty's dominions, or that part which is specified in the order applying this Act (as the case may be), shall be liable to be apprehended and surrendered in manner provided by this Act, whether the crime in respect of which the surrender is sought was committed before or after the date of the order, and whether there is or is not any concurrent jurisdiction in any court of Her Majesty's dominions over that crime.

Order of Secretary of State for issue of warrant in United Kingdom if crime is not of a political character.

7. A requisition for the surrender of a fugitive criminal of any foreign state, who is in or suspected of being in the United Kingdom, shall be made to a Secretary of State by some person recognised by the Secretary of State as a diplomatic representative of that foreign state. A Secretary of State may, by order under his hand and seal, signify to a police magistrate that such requisition has been made, and require him to issue his warrant for the apprehension of the fugitive criminal.

If the Secretary of State is of opinion that the offence is one of a political character, he may, if he think fit, refuse to send any such order, and may also at any time order a fugitive criminal accused or convicted of such offence to be discharged from custody.

Issue of warrant by police magistrate, justice, &c.

8. A warrant for the apprehension of a fugitive criminal, whether accused or convicted of crime, who is in or suspected of being in the United Kingdom, may be issued—

1. by a police magistrate on the receipt of the said order of the Secretary of State, and on such evidence as would in his opinion justify the issue of the warrant if the crime had been committed or the criminal convicted in England; and
2. by a police magistrate or any justice of the peace in any part of the United Kingdom, on such information or complaint and such evidence or after such proceedings as would in the opinion of the person issuing the warrant justify the issue of a warrant if the crime had been committed or the criminal convicted in that part of the United Kingdom in which he exercises jurisdiction.

Any person issuing a warrant under this section without an order from a Secretary of State shall forthwith send a report of the fact of such issue, together with the evidence and information or complaint, or certified copies thereof, to a Secretary of State, who may if he think fit order the warrant to be cancelled, and the person who has been apprehended on the warrant to be discharged.

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A fugitive criminal, when apprehended on a warrant issued without the order of a Secretary of State, shall be brought before some person having power to issue a warrant under this section, who shall by warrant order him to be brought and the prisoner shall accordingly be brought before a police magistrate.

A fugitive criminal apprehended on a warrant issued without the order of a Secretary of State shall be discharged by the police magistrate, unless the police magistrate, within such reasonable time as, with reference to the circumstances of the case, he may fix, receives from a Secretary of State an order signifying that a requisition has been made for the surrender of such criminal.

Hearing of case and evidence of political character of crime.

9. When a fugitive criminal is brought before the police magistrate, the police magistrate shall hear the case in the same manner, and have the same jurisdiction and powers, as near as may be, as if the prisoner were brought before him charged with an indictable offence committed in England.

The police magistrate shall receive any evidence which may be tendered to show that the crime of which the prisoner is accused or alleged to have been convicted is an offence of a political character or is not an extradition crime.

Committal or discharge of prisoner.

10. In the case of a fugitive criminal accused of an extradition crime, if the foreign warrant authorizing the arrest of such criminal is duly authenticated, and such evidence is produced as (subject to the provisions of this Act) would, according to the law of England, justify the committal for trial of the prisoner if the crime of which he is accused had been committed in England, the police magistrate shall commit him to prison, but otherwise shall order him to be discharged.

In the case of a fugitive criminal alleged to have been convicted of an extradition crime, if such evidence is produced as (subject to the provisions of this Act) would, according to the law of England, prove that the prisoner was convicted of such crime, the police magistrate shall commit him to prison, but otherwise shall order him to be discharged.

If he commits such criminal to prison, he shall commit him to the Middlesex House of Detention, or to some other prison in Middlesex, there to await the warrant of a Secretary of State for his surrender, and shall forthwith send to a Secretary of State a certificate of the committal, and such report upon the case as he may think fit.

Surrender of fugitive to foreign

11. If the police magistrate commits a fugitive criminal to prison, he shall inform such criminal that he will not be surrendered until

after the expiration of *fifteen days*, and that he has a right to apply for a writ of Habeas corpus.

state by warrant of Secretary of State.

Upon the expiration of the said *fifteen days*, or, if a writ of Habeas corpus is issued, after the decision of the court upon the return to the writ, as the case may be, or after such further period as may be allowed in either case by a Secretary of State, it shall be lawful for a Secretary of State, by warrant under his hand and seal, to order the fugitive criminal (if not delivered on the decision of the court) to be surrendered to such person as may in his opinion be duly authorized to receive the fugitive criminal by the foreign state from which the requisition for the surrender proceeded, and such fugitive criminal shall be surrendered accordingly.

It shall be lawful for any person to whom such warrant is directed and for the person so authorized as aforesaid to receive, hold in custody, and convey within the jurisdiction of such foreign state the criminal mentioned in the warrant; and if the criminal escapes out of any custody to which he may be delivered on or in pursuance of such warrant, it shall be lawful to retake him in the same manner as any person accused of any crime against the laws of that part of Her Majesty's dominions to which he escapes may be retaken upon an escape.

Discharge of persons apprehended if not conveyed out of United Kingdom within two months.

12. If the fugitive criminal who has been committed to prison is not surrendered and conveyed out of the United Kingdom within *two months* after such committal, or, if a writ of habeas corpus is issued, after the decision of the court upon the return to the writ, it shall be lawful for any judge of one of Her Majesty's Superior Courts at Westminster, upon application made to him by or on behalf of the criminal, and upon proof that reasonable notice of the intention to make such application has been given to a Secretary of State, to order the criminal to be discharged out of custody, unless sufficient cause is shown to the contrary.

Execution of warrant of police magistrate.

13. The warrant of the police magistrate issued in pursuance of this Act may be executed in any part of the United Kingdom in the same manner as if the same had been originally issued or subsequently indorsed by a justice of the peace having jurisdiction in the place where the same is executed.

Depositions to be evidence. 6 & 7 Vict. c. 76.

14. Depositions or statements on oath, taken in a foreign state, and copies of such original depositions or statements, and foreign certificates of or judicial documents stating the fact of conviction, may, if duly authenticated, be received in evidence in proceedings under this Act.

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Authentication of depositions and warrants. 29 & 30 Vict. c. 121.

15. Foreign warrants and depositions or statements on oath, and copies thereof, and certificates of or judicial documents stating the fact of a conviction, shall be deemed duly authenticated for the purposes of this Act if authenticated in manner provided for the time being by law or authenticated as follows:

(1.) If the warrant purports to be signed by a judge, magistrate, or officer of the foreign state where the same was issued;

(2.) If the depositions or statements or the copies thereof purport to be certified under the hand of a judge, magistrate, or officer of the foreign state where the same were taken to be the original depositions or statements, or to be true copies thereof, as the case may require; and

(3.) If the certificate of or judicial document stating the fact of conviction purports to be certified by a judge, magistrate, or officer of the foreign state where the conviction took place; and

if in every case the warrants, depositions, statements, copies, certificates, and judicial documents (as the case may be) are authenticated by the oath of some witness or by being sealed with the official seal of the minister of justice, or some other minister of state: And all courts of justice, justices, and magistrates shall take judicial notice of such official seal, and shall admit the documents so authenticated by it to be received in evidence without further proof.

Crimes committed at sea.

Jurisdiction as to crimes committed at sea.

16. Where the crime in respect of which the surrender of a fugitive criminal is sought was committed on board any vessel on the high seas which comes into any port of the United Kingdom, the following provisions shall have effect:

1. This Act shall be construed as if any stipendiary magistrate in England or Ireland, and any sheriff or sheriff substitute in Scotland, were substituted for the police magistrate throughout this Act, except the part relating to the execution of the warrant of the police magistrate:
2. The criminal may be committed to any prison to which the person committing him has power to commit persons accused of the like crime:
3. If the fugitive criminal is apprehended on a warrant issued without the order of a Secretary of State, he shall be brought before the stipendiary magistrate, sheriff, or sheriff substitute who issued the warrant, or who has jurisdiction in the port where the vessel lies, or in the place nearest to that port.

Proceedings as to fugitive criminals in British possessions.

17. This Act, when applied by Order in Council, shall, unless it is otherwise provided by such order, extend to every British possession in the same manner as if throughout this Act the British possession were substituted for the United Kingdom or England, as the case may require, but with the following modifications; namely,

(1.) The requisition for the surrender of a fugitive criminal who is in or suspected of being in a British possession may be made to the governor of that British possession by any person recognised by that governor as a consul general, consul, or vice-consul, or (if the fugitive criminal has escaped from a colony or dependency of the foreign state on behalf of which the requisition is made) as the governor of such colony or dependency:

(2.) No warrant of a Secretary of State shall be required, and all powers vested in or acts authorized or required to be done under this Act by the police magistrate and the Secretary of State, or either of them, in relation to the surrender of a fugitive criminal, may be done by the governor of the British possession alone:

(3.) Any prison in the British possession may be substituted for a prison in Middlesex:

(4.) A judge of any court exercising in the British possession the like powers as the Court of Queen's Bench exercises in England may exercise the power of discharging a criminal when not conveyed within two months out of such British possession.

Saving of laws of British possessions.

18. If by any law or ordinance, made before or after the passing of this Act by the Legislature of any British possession, provision is made for carrying into effect within such possession the surrender of fugitive criminals who are in or suspected of being in such British possession, Her Majesty may, by the Order in Council applying this Act in the case of any foreign state, or by any subsequent order, either

suspend the operation within any such British possession of this Act, or of any part thereof, so far as it relates to such foreign state, and so long as such law or ordinance continues in force there, and no longer;

or direct that such law or ordinance, or any part thereof, shall have effect in such British possession, with or without modifications and alterations, as if it were part of this Act.

General Provisions.

Criminal surrendered by foreign state not triable for previous crime.

19. Where, in pursuance of any arrangement with a foreign state, any person accused or convicted of any crime which, if committed in England, would be one of the crimes described in the first schedule to this Act is surrendered by that foreign state, such person shall not, until he has been restored or had an opportunity of returning to such foreign state, be triable or tried for any offence committed prior to the surrender in any part of Her Majesty's dominions other than such of the said crimes as may be proved by the facts on which the surrender is grounded.

Forms in second schedule.

20. The forms set forth in the second schedule to this Act, or forms as near thereto as circumstances admit, may be used in all matters to which such forms refer, and in the case of a British possession may be so used, mutatis mutandis, and when used shall be deemed to be valid and sufficient in law.

Revocation, &c. of Order in Council.

21. Her Majesty may, by Order in Council, revoke or alter, subject to the restrictions of this Act, any Order in Council made in pursuance of this Act, and all the provisions of this Act with respect to the original order shall (so far as applicable) apply, mutatis mutandis, to any such new order.

Application of Act in Channel Islands and Isle of Man.

22. This Act (except so far as relates to the execution of warrants in the Channel Islands) shall extend to the Channel Islands and Isle of Man in the same manner as if they were part of the United Kingdom; and the royal courts of the Channel Islands are hereby respectively authorized and required to register this Act.

Saving for Indian treaties.

23. Nothing in this Act shall affect the lawful powers of Her Majesty or of the Governor General of India in Council to make treaties for the extradition of criminals with Indian native states, or with other Asiatic states conterminous with British India, or to carry into execution the provisions of any such treaties made either before or after the passing of this Act.

Foreign state includes dependencies.

24. For the purposes of this Act, every colony, dependency, and constituent part of a foreign state, and every vessel of that state, shall (except where expressly mentioned as distinct in this Act) be deemed to be within the jurisdiction of and to be part of such foreign state.

Definition. "British possession:"

25. In this Act, unless the context otherwise requires,—

The term "British possession" means any colony, plantation, island, territory, or settlement within Her Majesty's dominions, and not within the United Kingdom, the Channel Islands, and

Isle of Man; and all colonies, plantations, islands, territories, and settlements under one legislature, as herein-after defined, are deemed to be one British possession:

"Legislature:" The term "legislature" means any person or persons who can exercise legislative authority in a British possession, and where there are local legislatures as well as a central legislature, means the central legislature only:

"Governor:" The term "governor" means any person or persons administering the government of a British possession, and includes the governor of any part of India:

"Extradition crime:" The term "extradition crime" means a crime which, if committed in England or within English jurisdiction, would be one of the crimes described in the first schedule to this Act:

"Conviction:" The terms "conviction" and "convicted" do not include or refer to a conviction which under foreign law is a conviction for contumacy, but the term "accused person" includes a person so convicted for contumacy:

"Fugitive criminal:" The term "fugitive criminal" means any person accused or convicted of an extradition crime committed within the jurisdiction of any foreign state who is in or is suspected of being in some part of Her Majesty's dominions; and the term "fugitive criminal of a foreign state" means a fugitive criminal accused or convicted of an extradition crime committed within the jurisdiction of that state:

"Fugitive criminal of a foreign state:"

"Secretary of State:" The term "Secretary of State" means one of Her Majesty's Principal Secretaries of State:

"A police magistrate:" The term "police magistrate" means a chief magistrate of the metropolitan police courts, or one of the other magistrates of the metropolitan police court in Bow Street:

"Justice of the peace:" The term "justice of the peace" includes in Scotland any sheriff, sheriff's substitute, or magistrate:

"Warrant." The term "warrant," in the case of any foreign state, includes any judicial document authorizing the arrest of a person accused or convicted of crime.

Repeal of Acts.

Repeal of Acts.

26. The Acts specified in the third schedule to this Act are hereby repealed as to the whole of Her Majesty's dominions; and this Act (with the exception of anything contained in it which is inconsistent with the treaties referred to in the Acts so repealed) shall apply (as regards crimes committed either before or after the passing of this Act), in the case of the foreign states with which those treaties are made, in the same manner as if an Order in Council

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referring to such treaties had been made in pursuance of this Act, and as if such order had directed that every law and ordinance which is in force in any British possession with respect to such treaties should have effect as part of this Act.

Provided that if any proceedings for or in relation to the surrender of a fugitive criminal have been commenced under the said Acts previously to the repeal thereof, such proceedings may be completed, and the fugitive surrendered, in the same manner as if this Act had not passed.

Isle of Man; and all colonies, plantations, islands, territories, and settlements under one legislature, as herein-after defined, are deemed to be one British possession:

"Legislature:" The term "legislature" means any person or persons who can exercise legislative authority in a British possession, and where there are local legislatures as well as a central legislature, means the central legislature only:

"Governor:" The term "governor" means any person or persons administering the government of a British possession, and includes the governor of any part of India:

"Extradition crime:" The term "extradition crime" means a crime which, if committed in England or within English jurisdiction, would be one of the crimes described in the first schedule to this Act:

"Conviction:" The terms "conviction" and "convicted" do not include or refer to a conviction which under foreign law is a conviction for contumacy, but the term "accused person" includes a person so convicted for contumacy:

"Fugitive criminal:" The term "fugitive criminal" means any person accused or convicted of an extradition crime committed within the jurisdiction of any foreign state who is in or is suspected of being in some part of Her Majesty's dominions; and the term "fugitive criminal of a foreign state" means a fugitive criminal accused or convicted of an extradition crime committed within the jurisdiction of that state:

"Fugitive criminal of a foreign state:"

"Secretary of State:" The term "Secretary of State" means one of Her Majesty's Principal Secretaries of State:

"A police magistrate:" The term "police magistrate" means a chief magistrate of the metropolitan police courts, or one of the other magistrates of the metropolitan police court in Bow Street:

"Justice of the peace:" The term "justice of the peace" includes in Scotland any sheriff, sheriff's substitute, or magistrate:

"Warrant." The term "warrant," in the case of any foreign state, includes any judicial document authorizing the arrest of a person accused or convicted of crime.

Repeal of Acts.

Repeal of Acts.

26. The Acts specified in the third schedule to this Act are hereby repealed as to the whole of Her Majesty's dominions; and this Act (with the exception of anything contained in it which is inconsistent with the treaties referred to in the Acts so repealed) shall apply (as regards crimes committed either before or after the passing of this Act), in the case of the foreign states with which those treaties are made, in the same manner as if an Order in Council

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referring to such treaties had been made in pursuance of this Act, and as if such order had directed that every law and ordinance which is in force in any British possession with respect to such treaties should have effect as part of this Act.

Provided that if any proceedings for or in relation to the surrender of a fugitive criminal have been commenced under the said Acts previously to the repeal thereof, such proceedings may be completed, and the fugitive surrendered, in the same manner as if this Act had not passed.

SCHEDULES.

FIRST SCHEDULE.

List of Crimes.

The following list of crimes is to be construed according to the law existing in England, or in a British possession, (as the case may be,) at the date of the alleged crime, whether by common law or by statute made before or after the passing of this Act:

Murder, and attempt and conspiracy to murder.

Manslaughter.

Counterfeiting and altering money and uttering counterfeit or altered money.

Forgery, counterfeiting, and altering, and uttering what is forged or counterfeited or altered.

Embezzlement and larceny.

Obtaining money or goods by false pretences.

Crimes by bankrupts against bankruptcy law.

Fraud by a bailee, banker, agent, factor, trustee, or director, or member, or public officer of any company made criminal by any Act for the time being in force.

Rape.

Abduction.

Child stealing.

Burglary and housebreaking.

Arson.

Robbery with violence.

Threats by letter or otherwise with intent to extort.

Piracy by law of nations or municipal law.

Sinking or destroying a vessel at sea, or attempting or conspiring to do so.

Assaults on board a ship on the high seas with intent to destroy life or to do grievous bodily harm.

Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.

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SECOND SCHEDULE.

Form of Order of Secretary of State to the Police Magistrate.

To the chief magistrate of the metropolitan police courts *or* other magistrate of the metropolitan police court in Bow Street [*or* the stipendiary magistrate at].

Whereas, in pursuance of an arrangement with , referred to in an Order of Her Majesty in Council dated the day of , a requisition has been made to me, , one of Her Majesty's Principal Secretaries of State, by , the diplomatic representative of , for the surrender of , late of , accused [*or* convicted] of the commission of the crime of within the jurisdiction of :

Now I hereby, by this my order under my hand and seal, signify to you that such requisition has been made, and require you to issue your warrant for the apprehension of such fugitive, provided that the conditions of The Extradition Act, 1870, relating to the issue of such warrant, are in your judgment complied with.

Given under the hand and seal of the undersigned, one of Her Majesty's Principal Secretaries of State, this day of 18 .

Form of Warrant of Apprehension by Order of Secretary of State.

Metropolitan police district, [*or* county *or* borough of] to wit. } To all and each of the constables of the metropolitan police force [*or* of the county *or* borough of].

Whereas the Right Honourable one of Her Majesty's Principal Secretaries of State, by order under his hand and seal, hath signified to me that requisition hath been duly made to him for the surrender of late of accused [*or* convicted] of the commission of the crime of within the jurisdiction of : This is therefore to command you in Her Majesty's name forthwith to apprehend the said pursuant to The Extradition Act, 1870, wherever he may be found in the United Kingdom or Isle of Man,

and bring him before me or some other [*magistrate sitting in this court], to show cause why he should not be surrendered in pursuance of the said Extradition Act, for which this shall be your warrant.

Given under my hand and seal at [*Bow Street, one of the police courts of the metropolis] this day of 18 .

J. P.

* *Note.*—Alter as required.

Form of Warrant of Apprehension without Order of Secretary of State.

Metropolitan police district, [*or* county *or* borough of] to wit. } To all and each of the constables of the metropolitan police force [*or* of the county *or* borough of]

WHEREAS it has been shown to the undersigned, one of Her Majesty's justices of the peace in and for the metropolitan police district [*or* the said county *or* borough of] that late of is accused [*or* convicted] of the commission of the crime of within the jurisdiction of : This is therefore to command you in Her Majesty's name forthwith to apprehend the said and to bring him before me or some other magistrate sitting at this court [*or* one of Her Majesty's justices of the peace in and for the county [*or* borough] of] to be further dealt with according to law, for which this shall be your warrant.

Given under my hand and seal at Bow Street, one of the police courts of the metropolis, [*or* in the county *or* borough aforesaid] this day of 18 .

J. P.

Form of Warrant for bringing Prisoner before the Police Magistrate.

County [*or* borough] of to wit. } To constable of the police force of and to all other peace officers in the said county [*or* borough] of

WHEREAS late of accused [*or* alleged to be convicted of] the commission of the crime of

A.D. 1870.

within the jurisdiction of has been apprehended and brought before the undersigned, one of Her Majesty's justices of the peace in and for the said county [*or* borough] of
And whereas by The Extradition Act, 1870, he is required to be brought before the chief magistrate of the metropolitan police court, or one of the police magistrates of the metropolis setting at Bow Street, within the metropolitan police district [*or* the stipendiary magistrate for]: This is therefore to command you the said constable in Her Majesty's name forthwith to take and convey the said to the metropolitan police district [*or* the said] and there carry him before the said chief magistrate or one of the police magistrates of the metropolis sitting at Bow Street within the said district [*or* before a stipendiary magistrate sitting in the said] to show cause why he should not be surrendered in pursuance of The Extradition Act, 1870, and otherwise to be dealt with in accordance with law, for which this shall be your warrant.

Given under my hand and seal at in the county [*or* borough] aforesaid, this day of 18 .

J. P.

Form of Warrant of Committal.

Metropolitan police district [*or* the county *or* borough of] to wit.

To one of the constables of the metropolitan police force, [*or* of the police force of the county *or* borough of], and to the keeper of the .

Be it remembered, that on this day of in the year of our Lord late of is brought before me the chief magistrate of the metropolitan police courts [*or* one of the police magistrates of the metropolis] sitting at the police court in Bow Street, within the metropolitan police district, [*or* a stipendiary magistrate for ,] to show cause why he should not be surrendered in pursuance of The Extradition Act, 1870, on the ground of his being accused [*or* convicted] of the commission of the crime of within the jurisdiction of , and forasmuch as no sufficient cause has been shown to me why he should not be surrendered in pursuance of the said Act:

This is therefore to command you the said constable in Her Majesty's name forthwith to convey and deliver the body of the

said into the custody of the said keeper of A.D. 1870.
the at , and you the said keeper
to receive the said into your custody, and
him there safely to keep until he is thence delivered pursuant to
the provisions of the said Extradition Act, for which this shall be
your warrant.

Given under my hand and seal at Bow Street, one of the police courts of the metropolis, [*or* at the said] this day of 18 .

J. P.

Form of Warrant of Secretary of State for Surrender of Fugitive.

To the keeper of and to .

Whereas late of accused [*or* convicted] of the commission of the crime of within the jurisdiction of , was delivered into the custody of you the keeper of by warrant dated pursuant to The Extradition Act, 1870:

Now I do hereby, in pursuance of the said Act, order you the said keeper to deliver the body of the said into the custody of the said , and I command you the said to receive the said into your custody, and to convey him within the jurisdiction of the said , and there place him in the custody of any person or persons appointed by the said to receive him, for which this shall be your warrant.

Given under the hand and seal of the undersigned, one of Her Majesty's Principal Secretaries of State, this day of .

A.D. 1870.

THIRD SCHEDULE.

Year and Chapter.	Title.
6 & 7 Vict. c. 75. -	An Act for giving effect to a convention between Her Majesty and the King of the French for the apprehension of certain offenders.
6 & 7 Vict. c. 76. -	An Act for giving effect to a treaty between Her Majesty and the United States of America for the apprehension of certain offenders.
8 & 9 Vict. c. 120. -	An Act for facilitating execution of the treaties with France and the United States of America for the apprehension of certain offenders.
25 & 26 Vict. c. 70. -	An Act for giving effect to a convention between Her Majesty and the King of Denmark for the mutual surrender of criminals.
29 & 30 Vict. c. 121. -	An Act for the amendment of the law relating to treaties of extradition.

Extradition.

A

BILL

For amending the Law relating to the Extradition of Criminals.

(*Prepared and brought in by Mr. Attorney General and Mr. Solicitor General.*)

Ordered, by The House of Commons, *to be printed*, 23 *May* 1870.

[Bill 138.]

Under 3 *oz.*